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The Solicitors' Journal.

LONDON, JANUARY 30, 1875.

CURRENT TOPICS.

WE BELIEVE THERE IS NO DOUBT that the judgeship about to become vacant in the Court of Common Pleas, by the resignation of Mr. Justice Keating, was offered to, and declined by, Mr. Hawkins, Q.C. But of the many other rumours which have been in circulation, none can be relied on as trustworthy.

THE ENORMOUS ARREARS of business in the Supreme Court of the United States—the docket at the commencement of the annual session containing about 600 cases, making the tribunal, as an American contemporary puts it, "nearly two years in arrears"—is drawing the attention of the profession across the Atlantic to the same question of the arrangement of courts of appeal which will shortly occupy our Legislature. If we may accept the authority of a leading American legal organ, the cause of the accumulation of business before the Supreme Court is not any delay on the part of the judges in deciding the matters which come before them, or any undue shortness of the sessions of the court, but the lack of strong intermediate courts of appeal, leading to a general resort to the ultimate tribunal, and the remedy proposed is an increase in the number of circuit judges, and a provision that they should be required to sit in banc to determine appeals. It is also suggested that the right of appeal from their decisions should be restricted to cases involving constitutional questions, cases where the court is divided in opinion or considers the question of such importance as to certify that it should be carried to the Supreme Court, or cases where the amount involved is very large. We doubt whether if the remedy first proposed were adopted it would be found requisite to enforce any restrictions of this kind; there is a large class of cases in which the parties, while not content with a single decision, will rest satisfied with the result of an appeal to the intermediate court. The lesson to be drawn from the state of things in the United States is the absolute necessity of strong intermediate courts of appeal to prevent the highest appellate court from being overwhelmed with business of a trivial character. In the measure introduced last year the ill-advised provision of the Judicature Act practically limiting the suitor to a single appeal was modified to the extent of allowing a second appeal in certain specified events. In spite of Lord Selborne's expressed opinion that it was not proposed last year, any more than in the previous year, that there should be an intermediate and a final court of appeal, it is impossible to doubt that the effect of the provisions of last year's bill would be to bring about this result, though in a limited and inadequate degree. Lord Cairns hinted last session that perhaps the House might think proper to extend the application of the principle; and it is to be hoped that with the result of American experience before them, the framers of the Bill to be shortly brought in will be induced themselves to propose the establishment of an effective system of double appeal.

IT HAS BEEN PUBLICLY ANNOUNCED that the fee paid to Serjeant Ballantine upon his retainer to defend the Guicowar of Baroda was 5,000 guineas, and that a "further scale of fees" not likely to be less than 5,000 guineas, but "depending somewhat on the time the serjeant will be absent from England," has been also "arranged." Speculation has already fixed the period of absence from England at about three months. If this be correct, the *honorarium* is probably among the largest ever paid to counsel, and it furnishes a curious commentary on the superstition which, as Mr. Forsyth tells us (*Hortensius*, p. 410), has prevailed in every country where advocacy has been known, of looking upon the exertions of the advocate as given gratuitously. It hardly needs, however, the example which he cites from Roman history of the speedy relaxation of the decree of Augustus prohibiting advocates from taking fees, to show how rapidly the custom becomes more honoured in the breach than in the observance. In our own country, except in the ecclesiastical courts (see canon 131), the rule has always been that a barrister has no legal right to a fee. The reward, says Sir John Davys, "is a gift of such a nature, and given and taken upon such terms as albeit the able client may not neglect to give it without note of ingratitude . . . yet the worthy counsellor may not demand it without doing wrong to his reputation." A curious comparison of the fee-books of Dunning and Kenyon may be found in the life of the latter recently published by his great-grandson. It appears that the utmost amount realized by Lord Kenyon in one year when he was Attorney-General) was £11,038 11s., of which more than 3,000 guineas were made by opinions. The fee-book of Lord Eldon, when Attorney-General, is given by Lord Campbell in his "Lives of the Chancellors," and the highest total for one year is put down as £12,140 15s. 8d. Erskine appears to have received £1,000 for the defence of Admiral Keppel, but that was after the acquittal. In our own time two fortunate Attorney-Generals and a late leader of the Parliamentary bar are stated to have respectively received thirty thousand pounds in one year. But as far as we remember, although refreshers have often been very liberal in proportion to the retainers, no retainer, since the fee of four thousand guineas marked on the brief of Serjeant Wilde in *Small* v. *Atwood*, has at all approached in amount that given to Serjeant Ballantine.

AN ATTEMPT TO RESUSCITATE a venerable rule of bankruptcy administration was recently made in the case of *Re Von Hafen*, reported in another column. Section 103 of the Bankruptcy Act, 1869, provides, in effect, that if one partner of a firm is adjudicated a bankrupt, joint creditors of the firm may prove their debts for the purpose of voting at creditors' meetings, but are not to receive any dividend out of the separate estate until all the separate creditors have received the full amount of their respective debts. Notwithstanding this provision, it was contended that the rule originally laid down in the Court of Chancery, and adopted in the Bankruptcy Act of 6 Geo. 4, c. 16, s. 32, that a petitioning joint creditor, alone among joint creditors, may receive dividends with the separate creditors under a commission against one of the partners in a firm, was still in force. In support of this contention it was urged that the exception had never, *totidem verbis*, been abrogated by the Legislature, and that by many text writers on bankruptcy, including so accurate an author as Mr. Robson, it was treated as existing. But the learned registrar pointed out that not only was the exception in favour of the petitioning creditor contained in the Bankruptcy Act of 6 Geo. 4 omitted from the Bankruptcy Act of 1849 (section 140 of which substantially corresponds to section 103 of the present Act), but that since the passing of the Act of 1849, no case could be found in which the exception had been treated as existing. In the face of the negative and prohibitory words of section 103 of the Act of

1869, he felt bound to hold that the exception had been repealed. Assuming the decision of the learned registrar to be correct, the state of the law now is, that a joint creditor may obtain a separate adjudication against one partner of a firm, but cannot reap any fruit from his exertions until all the separate creditors are satisfied, and then, of course, only *pari passu* with all the other joint creditors.

THE APPOINTMENT of Mr. Buckley to the post of Taxing Master in Chancery will, we believe, be regarded with unqualified satisfaction. There is a very general opinion that among officers of a similar rank attached to the various courts none are to be found who do their work better than the Chief Clerks in Chancery. "We find," said the Administrative Department Commissioners, "that the Chief Clerks in Chancery are among the hardest-worked men in the State-service." Among these it is not invidious to say that Mr. Buckley has long been reckoned one of the most efficient. His experience, many years ago, in the office of the Masters in Chancery, where most of the duty which the taxing masters now discharge was formerly performed, will have furnished a fitting preparation for his new duties, and, for some time at least, he will be able, with reference to some of the business which will come before him from his recent department, to supply that knowledge of the proceedings in relation to which the bills have been incurred which is so valuable, and the want of which on the part of taxing masters has led many eminent members of the profession to urge that costs in proceedings originated and completed in chambers ought to be taxed there. While we congratulate our readers on the new appointment, we may be allowed to express a hope that the filling up of the vacant office is not to be taken as an indication that the present system of taxation of costs is to be stereotyped.

THE NOTICE issued from the Chancery Registrar's Office relating to the Chancery Funds Consolidated Rules, 1874, which will be found in another column, deserves careful attention. It has reference to such of the new rules as relate to the printing of orders to be acted upon by the Paymaster-General, or what are commonly known as money orders. A much greater degree of accuracy is required in the earlier stages of that which is to be printed than for that which is, in its ultimate stage, to be in writing. Attention is therefore drawn to the necessity of providing that all names of persons should be correctly spelt and written at length, and that all sums, dates, and figures should be correctly stated. The registrar's regulations of the 15th of March, 1860, to which attention is directed, are now somewhat out of date, and it would have been convenient if, after being carefully revised to meet the new state of things, those regulations had been reprinted in this notice. It is now more essential than ever that all the necessary papers and documents should be left on bespeaking an order, and that delay should not be caused by the failure of the solicitor to comply with the regulations and requirements of the registrars. It will much facilitate business if solicitors and their managing clerks in the Chancery department will fully inform themselves, not only as to the rules regulating what papers must be left on bespeaking an order, but also with those relating to bespeaking copies.

IT WILL BE SEEN from a report in another column that the meeting of the Law Association on Thursday last resolved that no action be taken on the question of amalgamation with the Solicitors' Benevolent Association.

Vice-Chancellor Bacon will for the future take opposed petitions every Saturday after the unopposed petitions, instead of on alternate Saturdays, as has been his practice hitherto.

LIABILITY OF THE MEMBERS OF A CORPORATION.

WHERE, under and in accordance with an authority purporting to be a corporate act, a civil wrong is committed, under what circumstances can the individual corporators be sued who were concerned in the corporate or apparently corporate act? On this important question, which was considered in the recent case of *Mill* v. *Hawker* (23 W. R. 26, L. R. 9 Ex. 309) it is strange to find that there is but little direct authority.

The case must be at once distinguished from cases depending on contract. A person who has contracted, or thought he was contracting, with a corporation, cannot say that he contracted with the individual members of it. If, through the contract being one which the corporation could not legally make, or through its not being executed by the corporation in due legal form, it fails of effect and never binds the corporation, there is no ground on which the other intending party to the contract can say that he has made a contract with some one else. His only remedy, if any, against the members of the corporation would be upon a warranty by those who affected to do the corporate act that they were empowered to do it, or that the corporation could legally make the contract, or that they would procure it to be done, or on a fraudulent representation of such authority or power. Fraud is an entirely collateral matter, and is quite independent of the question whether the matter relates to a corporation or to any other person. And even in the case of agents, which the members of a corporation acting in their corporate capacity are not, *Beattie* v. *Lord Ebury* (22 W. R. 897, L. R. 7 Ch. 777, *ib.*, 7 H. L. 102) is an authority against the extension of the rule that an agent warrants his own authority to a warranty of his principal's power legally to make the contract, or of his own authority so far as it depends on the general law; an extension which would be opposed to the maxim that he who contracts is bound to take notice of the condition of the other contracting party. It seems necessary to make this observation, because in the judgment of Cleasby, B., the case of *Taylor* v. *Dulwich Hospital* (1 P. W. 655) is cited as though it established the proposition that where an act is done, or apparently done, by a corporation which the corporation has no power to do, and by which, therefore, it is not bound, the act is the act of the individual members of the corporation who assumed to do the act as a corporate act. How far that case is from establishing any such proposition (if, indeed, it establishes anything at all) will appear from the following statement of it:—The plaintiff's intestate had obtained a lease of land from the hospital at rack rent; and, *having already* laid out money in building two houses on the land, applied for a renewal at the same rent; an order was thereupon signed at a college audit by the master-warden and most of the fellows, that the intestate should have a new lease at the old rent, and the plaintiff now sought to compel the college to carry out this order by granting a lease to him on those terms. Relief was refused on the ground that to grant a lease at less than the present rack rent would be a breach of trust, but still more that the college had never agreed to grant it, the Lord Chancellor saying, "As to the signing of private persons, viz., the master-warden and fellows, that cannot be such a contract as binds the college; for a contract to bind that, or indeed any, corporation as to its revenues must be under its common seal," and adding that the only remedy the plaintiff could have had if he had laid out money in reliance on the order (*which he had not*) would have been against those who signed it. The decision is then that as the corporation had made no contract, there was no contract for the court to enforce; the additional circumstance occurring that the contract if so made would have been a breach of trust. What was said besides was on a matter not before the court nor even raised by the facts; and it would be certainly contrary

to the principle of *Beattie* v. *Lord Ebury*, and quite without authority, to say that wherever the members of a corporation affect to bind the corporation by a contract not under seal, its seal being by law requisite, they are liable personally to the other contracting party.

The case must also be distinguished from that of a criminal act done by the members of a corporation under cover of its forms. A corporation cannot in the nature of things commit a crime, which requires a criminal mind. But if the members of a corporation do commit a criminal act, it cannot cease to be such because they affect to give it a corporate character. This remark again seems necessary because the case of *Rex* v. *Watson* (2 T. R. 199), which was the case of a criminal information against the members of a corporation for a libel on the administration of justice entered on the minutes of the corporation, was also cited by Cleasby, B., as proving the general proposition that an act beyond the power of a corporation to do is the act of those members of the corporation who do it. And these two cases of *Taylor* v. *Dulwich Hospital* and *Rex* v. *Watson* are the only two authorities which he cites upon the point.

On the other hand, such cases as *Attorney-General* v. *Mayor of Liverpool* (1 My. & C. 171) and *Attorney-General* v. *East Retford* (3 My. & C. 484), can hardly be cited to show that the individual member of a corporation could not be answerable for an act done by the corporation in breach of trust, since the point was not once raised in them.

The citation of authorities of this description is perhaps itself some evidence that the point is not so clear as might have been expected; and, to show what the precise question was, it will be convenient at once to state the facts of the case. Shortly, they were as follows:—One of the defendants was surveyor to a highway board, the other defendants were members of the board; the surveyor, by order of the other defendants, assuming to act as the board, removed a lock from a gate placed by the plaintiff across a way, which the plaintiff asserted to be a private way, but which the board maintained was public. For this trespass the plaintiff sued, and the defence (apart from the plea of justification) was, as to the members of the board, that they acted only in a corporate capacity, and as to the surveyor, that he acted only as their servant. On the trial the Lord Chief Baron nonsuited the plaintiff, and the point as to the liability both of the members of the board and of the surveyor was now raised on a rule for a new trial on the ground of misdirection. On both points the judgment of the Lord Chief Baron in favour of the defendants was overruled by that of Cleasby and Pigott, BB., in favour of the plaintiffs. The first point is the only one we deal with.

It must be assumed, since the plaintiff was nonsuited, so that the plea of justification never went to the jury, that the act done was an illegal act, that is, a violation of the plaintiff's rights. And it must also be taken that the members of the board acted merely as such members, and, except in that character, took no part in the committing, or directing the commission, of the trespass. Thus the case differs from the case of *Thompson* v. *Gibson* (7 M. & W. 456), where an action against certain members of a corporation was sustained, for it is evident that the defendants had there personally superintended the erection of the building which was the trespass complained of, and they were treated by the court, not as members of the corporation, but as its agents or servants.

Again, the case does not fall within the authority of *Ferguson* v. *Earl of Kinnoul* (9 Cl. & Fin. 249), where an action was maintained against the members of a corporation for a deliberate refusal to perform a ministerial act, which it had been already decided that they were bound to do. The decision is put in all the judgments distinctly upon this ground, and, in particular, Lord Brougham says, "Now, in the present case, that is alleged and proved which is tantamount to malice; illegal conduct in violation of duty, and injurious to the party; and this conduct is alleged to be continued refusal to do an act declared by a judgment to be injurious" (p. 303); and Lord Campbell says, "Malice, in the legal acceptation of the word, is not confined to personal spite against individuals, but consists in the *conscious* violation of the law to the prejudice of another. The facts charged, as admitted in this case, amount to a deliberate disobedience of the law of the land, the necessary consequence of which is a prejudice to the pursuer" (p. 321).

This brings us to the two cases of *Sands* v. *Child* (3 Lev. 351) and *Harman* v. *Tappenden* (1 East, 555), of which the former was relied on by the plaintiff, the latter by the defendants. As to *Sands* v. *Child*, which only touches this point in so far as concerns the principal defendant, who contended that he had acted as the governor of the East India Company in the alleged trespasses, it is sufficient to say that, in the first place, no authority for his acts was ever given by the corporation at all, and in the second place, he had personally directed what was done, and was therefore in the position of the defendants in *Thompson* v. *Gibson*.

Harman v. *Tappenden*, however, comes much nearer to the point. The plaintiff there sued the individual corporators for wrongfully amoving him from the corporation, and he failed because, although they had acted irregularly in doing so, there was no evidence that they had acted maliciously. Lord Brougham, in citing this case in *Ferguson* v. *Earl of Kinnoul*, says (p. 303), "Mr. Justice Lawrence appears to have held that the action lay if the defendants had in their corporate capacity tortiously procured the acts which were done by the whole body." This is vague language, and must be explained by reference to what Lawrence, J., actually said in the case referred to, which was that, "perhaps, the action might have been maintained if it had been proved that the defendants contriving and intending to injure and prejudice the plaintiff, and to deprive him of the benefit of his profits from the fishery, which, as a member of this body he was entitled to according to the custom, had *wilfully and maliciously* procured him to be disfranchised, in consequence of which he was deprived of such profits." There being no such evidence of malice, it was held that the action did not lie.

The only other cases which seem to have much bearing on the question are, on the one side, *Rex* v. *Rippon* (1 Ld. Ray. 563), and the case there cited of *Enfield* v. *Hills*, and *Rich* v. *Pilkington* (Carth. 171); and on the other side the *Case of the City of London* (1 Vent. 351) and *Rex* v. *Windham* (Cowp. 377). As to *Rex* v. *Rippon* what is said is merely *obiter*. *Rich* v. *Pilkington* was the case of an action on a false return to a writ of mandamus, and was brought against the Mayor of London personally. In that case, however, the mandamus was not directed to the corporation, but to the mayor and aldermen, and was to compel them to admit the plaintiff to the office of chamberlain to which he alleged he had been elected. The defendants, therefore, seem to have been in the same position as the defendants in *Ferguson* v. *Earl of Kinnoul*, and it is probable that in *Enfield* v. *Hills* the facts were similar. It is further to be observed that the declaration in both cases may have contained allegations of malice (see what is said by Wilson, J., in *Drewe* v. *Coulton*, 1 East. 563 n., and *Tozer* v. *Child*, 7 E. & B. 377). Beyond this also some doubt is thrown on what is said in *Rex* v. *Rippon* and *Rich* v. *Pilkington*, by Lord Kenyon's observations in *Harman* v. *Tappenden*. As to the *Case of the City of London* there is nothing but a *dictum* too vague to be of any service; and *Rex* v. *Windham* only decided that a mandamus would go to the head of a corporation to compel him to affix ministerially the seal of the corporation to an answer in Chancery, without which no answer could have been made at all.

None of these cases, therefore, throw much light on the question. We have not reached an authority directly in point, for in *Harman* v. *Tappenden*, which

is the nearest, the act done was of a nature entirely within the scope of the power of the corporation. But in the present case the defendants, acting in their corporate capacity, or meaning so to act, directed an act to be done which was not only illegal, but was of a nature which altogether transcended their powers. That this was so can scarcely be denied. Their functions are wholly determined by statute, and those functions, so far as they are pertinent to this question, are to repair public ways. It is indeed not within their function or duty to repair private roads; but if there was a question whether a road were public or private, and supposing no obstruction to exist which would give occasion to an application to justices under 5 & 6 Will. 4, c. 50, s. 72, it could hardly be contended that it would be their duty to refuse to act until some one else had settled by action or indictment that it was public. And if so, it could hardly be said that they were acting *ultrà vires* if they directed the repair of the road, although it turned out that the road was private; they would be doing an act which, assuming the state of facts to be that which they supposed to exist, would be within their functions; and certainly in the sense put by decision on enactments requiring notice of action, they would be acting "under" or "in pursuance of" their statutory powers. It seems to have been conceded by the counsel for the plaintiff that they would then not have been liable as individuals but only as a board, though it is not clear that this position is accepted by Cleasby and Pigott, BB. But in the present case it was clear that there was no design to repair, but the beginning and end of their intention and act was the removal by their own authority of an obstruction which they had no power to deal with in any other way than by an application to justices under section 72 of 5 & 6 Will. 4, c. 50. Therefore to make their defence successful, it was necessary to lay down the wider proposition that, with respect to a corporation with limited statutory powers and functions, malice must be shown in order to charge personally the members with liability for an act done by them entirely beyond the limit of their statutory powers, but intended to be done by them merely as members of the corporation and in their corporate capacity. It is certainly safe to say that no authority has laid down this proposition. But on the other hand we have been able to find no case which establishes the contrary.

The "conclusion" which Cleasby, B., expresses to be clear and in need of no authority, but in support of which he cites the cases of *Taylor* v. *Dulwich Hospital*, and *Rex* v. *Watson*, is that, "where the acts are such as the corporate body is not by law qualified to do, and the corporate body, if they pretend to do them, are acting *ultrà vires*, the mere fact of giving a corporate form to the act does not prevent it from being an act of those who cause it to be done." Reading this in connection with the contrasted description of resolutions and acts of the members, "which are only introductory to the corporate body acting in the matter," it amounts to saying that in the former case there is in fact no corporate act at all, and that in consequence the acts of the members are the direct and immediate antecedent or cause of the act complained of being done. This again brings the question to the test of an inquiry whether an action could be maintained against the corporation for the doing of the acts, which, of course, if there was no corporate act, could not be; and, in fact, the case seems to have been treated throughout, and, on the facts, we imagine, rightly treated, on this footing. If the board could have been sued, then the members could not; if not, then the members could. It is difficult to answer the reasoning contained in the above-cited passage; but, on the other hand, if it be carried to its full length, it seems to involve the conclusion that the members could be sued in the case above suggested, of a direction to the surveyor to repair a road supposed to be public, but which was in fact private, for such an act would be one which the board would not be "qualified" to perform, and which would therefore be *ultrà vires*, and not a true corporate act. Moreover, all the observations made by Cleasby, B., about the want of funds to meet litigation so incurred would be equally applicable. This would certainly place the members of such boards in a difficult position, and gives a reason for doubting whether the proposition above stated is accurately, or at least adequately, expressed.

On the other hand the Chief Baron contends for the wide proposition that every act which the members of a corporation assume to do as such must be taken to be the act of the corporation, unless it be "malicious," which must mean, not done *bonâ fide* in the belief that it is an act which the corporation is entitled to do.

Between these two propositions the only middle term is that referred to above, that the liability of the members depends on whether the act is one which, assuming the state of facts to be that which is supposed by them to exist, would be within the competence of the corporation. This would impose on them the not unreasonable duty that in acting in the exercise of public powers, so as to affect the rights and property of third persons, they should be bound to inform themselves, at their peril, of the legal limits of their powers, though not bound, at their peril, to be accurately informed of the facts in reference to which they apply them—an obligation no greater than is imposed on other officers acting in the discharge of public duties not of a judicial nature.

It remains to be seen which of these three propositions will be adopted by the Exchequer Chamber, to which we believe the case is proceeding, or whether some new formula can be suggested more satisfactory than either. Whatever rule is laid down it must, we imagine, determine equally the two questions, when the corporation and when the members can be sued; and in this double aspect the case is one of the highest importance.

In conclusion, the case suggests the question:—Were all the inhabitants who concurred in the vote of the vestry, authorizing the surveyor to repair the way in question in *Arnold* v. *Blaker* (19 W. R. 1090, L. R. 6 Q. B. 433), liable to be sued jointly and severally as tortfeasors? If they were, it would still seem not to follow that the defendants could be so sued, since they were members of a corporation capable of being sued as a person, unless it is determined that no action would lie against the corporation. But if it is determined that no action would lie against the corporation, on the ground that no corporate act was done, is not the case of the members of the corporation the same as that of the inhabitants? We cannot find any determination as to the liability of inhabitants in such a case, as conclusions have usually been tried with the surveyor, who has never, till now, been heard to plead that he could not be sued because he acted under superior orders.

We must add that we have taken no notice of the singular provision which protects members of a highway board from being personally liable for "lawful acts" done by them as such members (25 & 26 Vict. c. 61, s. 9, sub-section 6), because we cannot discover its reason or meaning; so far as its meaning is discoverable, or may be conjectured, it seems more consistent with the proposition laid down by Cleasby, B., than with any other view; but as it cannot be read literally, and has no clear meaning if not so read, it seems more reasonable to omit it from consideration.

We regret to learn, in answer to inquiries at Boyle Farm, that Lord St. Leonards was so dangerously ill yesterday afternoon that the medical men gave no hope of his life being prolonged beyond another day.

Two former members of the Oxford Circuit, Mr. Phipson Q.C., and Mr. Gray, Q.C., have died within the last fortnight. It is singular that the former stood next in rotation for the treasurership of Lincoln's-inn, and the latter for the treasurership of the Middle Temple.

THE JUDICIAL INVESTIGATION OF TRUTH.

An able writer in the current number of the *Quarterly Review* deals with this subject in relation to the Judicature Act and Rules. He lays down, *inter alia*, three conditions as necessary to the perfection of any legal system—viz., that it should ensure the minimum of error, the minimum of delay, and the minimum of expense. He points out that in far the largest number of cases error in fact has to be guarded against rather than error in law, and he accuses our present system of grave imperfections in the procedure applied to the investigation of matters of fact, leading to failure in respect of the three conditions above laid down. One of his main objects is to appeal from the professional to the non-professional mind on this subject. He points out the tendency there is in the former to worship the subtleties of the technical mystery, and to consider rules of procedure, acquired with much effort and conscious exercise of mental power, to be based upon the essential nature of things, and, as such, absolutely immutable and indispensable. It is by way of counteracting this tendency that an appeal to the lay mind is alleged to be useful. The details of a professional subject must of necessity be matter for those engaged in the profession, but there are certain first principles which are capable of being appreciated by every person endowed with acuteness, common sense, and reasoning power; and when the elaboration of technical rules and subtleties has reached a point of glaring contrast with such first principles, the writer assumes that an appeal to the public at large is desirable. If we had space to discuss incidental points, we should venture to doubt whether reform in such matters must not be looked for principally from within; from fresh and vigorous minds, or philosophical intellects that have revolted against their professional training. We admit that men like Bentham have exercised a great influence; but we suspect it has worked through the professional as much as through the non-professional mind. It must be remembered that while the lawyer of to-day is less professionally prejudiced than the lawyer of bygone times, the anomalies of the present day are not nearly so obvious and outrageous as those of a former time, and so are much more difficult of appreciation, and less conducive to an eager and powerful sentiment of law reform on the part of the general public.

To proceed, however, with our subject. The writer lays down seven fundamental maxims with respect to the requirements of a perfect procedure, and discusses, with reference to these maxims, the provisions of the Judicature Act and the Rules of Court under the Act. The maxims are as follows:—1. Every suitor should be compelled to show his hand at the earliest possible stage of the contest. 2. Let the plaintiff state the facts on which he grounds his complaint, and then let the defendant state the facts on which he relies for his defence, in plain, concise English, unfettered by any technical rules. 3. When issues of fact have to be extracted from the pleadings, they should be agreed upon by the parties, or, in case of difference, settled by the court. 4. The court should decide in each particular case whether issues of fact should be tried before a judge and a jury, or a judge alone. 5. Questions of fact should be tried either by the Nisi Prius method, or by affidavit, as the court may direct in each particular case. 6. Legal questions should be decided by a single judge of first instance, subject to an appeal to a court of many judges, with a further appeal to the ultimate tribunal. 7. No judge should be allowed to delegate to inferior officers any portion of his strictly judicial duties. We must confess that there seems to us to be something grotesque in the congregation of these rules under the appellation of maxims or first principles; some of them relating to matters of practical convenience and detail of a shifting character, while others are really fundamental in their character. We propose, for the present, to confine ourselves to the consideration of two or three of the latter class.

The first two maxims relate to matters of first principle. They concern the question how truth is to be judicially investigated in a court, quite independently of such questions as whether there should be several courts dealing with different subject-matters, or several divisions of one high court with provinces more or less separate, or several divisions of one court each dealing with all subjects indiscriminately. So far as the article deals with these two first maxims we must express our admiration of the boldness with which the principles of reason and common sense are asserted, and the aptitude of the illustrations by which the absurdity of many of our ingrained professional views is demonstrated. It is fearlessly alleged that nothing short of full and entire discovery will satisfy the requirements of a proper system of procedure. Ascertain as soon as possible what the parties are really fighting about—what they themselves admit and what they deny. Discourage as much as possible a system of technical allegations, generalities, denials, and concealments, worked for the parties by their professional advisers independently of the questions really at issue in the minds of the parties. We have often enlarged on this topic, but we must confess to being without much hope of the principle being fully established at an early date in common law practice. In the minds of many of the common law judges, in dealing with this subject of discovery, the feeling is the other way, viz., that the presumption is against the propriety of discovery. This prejudice has doubtless very largely abated of late, but some remnants of it seem almost impossible to eradicate. What has been termed "the rules of the game" point of view still has a more or less powerful influence on the minds of almost all common lawyers. The writer in the *Quarterly Review* selects as two points of attack the doctrines that you cannot interrogate as to the contents of a written document, and that you cannot interrogate as to what constitutes your adversary's case. As to the first point, the law appears to us to be inconsistent with itself, as it has been held that an admission as to the contents of a written document is admissible evidence. With respect to the second point it is clear that if the concealment of your hand till the last moment is no longer to be the rule, the basis of the doctrine is gone.

The writer's second maxim follows almost of necessity from the first. Special pleading is the necessary concomitant of a system of concealment. The distinctive feature of the system is that it veils the case under certain generalized forms. Certain facts produce certain legal effects or conclusions. The special pleader pleads the conclusion, to be proved afterwards by such facts as may be available in support of it; the natural system of pleading would be to plead the facts, leaving the court to draw the legal conclusions. The writer points out, what we have before insisted on, that special pleading is a failure, even from its advocates' point of view, inasmuch as it does not distinctly ascertain and separate the issues into those of law and of fact. Such pleas as never indebted, release, rescission, and many others, may involve questions of law or of fact or both. Again, the system professes to some extent to give information to the other party, thereby involving an admission that he is entitled to information as to his adversary's case, while the information that it gives is so vague and uncertain as to be almost valueless. A great deal of our system of procedure in respect of the matters against which the reviewer protests is, in the language of the development theory, a survival from a bygone legal system. The notion of putting the party to proof was most likely the necessary result of a system in which the parties were not admissible as witnesses, on the ground of interest. It is a very erroneous application of the doctrine *onus est affirmantis*. Granting that the affirmer is to prove his case, the question is really by what method he is to do

so, and whether he shall not be entitled, by way of establishing his case, to put the other party in his pleadings to admit facts within his knowledge.

There are, no doubt, arguments against the application of the principle of full discovery with its concomitant open pleading. That on which the old-fashioned common law judge would probably chiefly rely is the idea that fraudulent or litigious parties would abuse it; that a case, the details of which were known before trial, would be met by concocted evidence; that truth is better secured by the parties, to some extent, being taken unawares. We will not say that there is absolutely nothing in this argument, but we doubt whether the possibility of evil in this respect has not been grossly exaggerated. We feel very great confidence that the balance of advantage would, in the end, prove to be largely on the side of full discovery. Another objection is the question of expense. This, in the case of open pleading, would be somewhat greater at an earlier stage of the case, though the costs of trial might be much diminished in consequence; in the event of the case never coming to trial, of course this extra expense would be thrown away. Here, again, the question is one of balance of convenience, and we are tolerably confident that here also the balance would be found to be on the side of open pleading.

The third maxim of our reviewer is little more than a corollary from the other two. It would undoubtedly be necessary to determine the issues raised by the pleadings, and this, if the parties cannot agree, must be done by the court.

Having thus dealt with the first three maxims laid down by the writer in the *Quarterly Review*, we must reserve till another occasion any further remarks on the subject of the other maxims or principles laid down by him, as well as his criticisms on the Judicature Act and Rules viewed by the light of such maxims.

Recent Decisions.

BANKRUPTCY.

ANNULLING ADJUDICATION—POWER OF REGISTRAR TO REFUSE TO REGISTER PART OF RESOLUTIONS IN LIQUIDATION.

Ex parte Ashworth, In re Hoare, C.J.B., 22 W. R. 925, L. R. 18 Eq. 705.

Ex parte Sir W. Foster, Re Pooley, L. JJ. 23 W. R. 145.

THE Bankruptcy Act, 1869, empowers the court to annul an adjudication where at the first meeting of creditors no trustee is appointed, or where no new trustee is appointed to fill a vacancy in the office (section 84), or where the annulling of the adjudication is made a condition of any composition with the bankrupt, or of any general scheme for the liquidation of his affairs (section 28). The Act does not, however, contain any general provision authorizing the court to annul an adjudication, but from the earliest period of bankruptcy law such a power has been exercised; in former times by the Lord Chancellor, by writ of *supersedeas*, and subsequently, down to 1869, by the successive courts of bankruptcy, by virtue of their general jurisdiction. In *Ex parte Ashworth* it was contended that under the Act of 1869 the jurisdiction to annul an adjudication was confined to the cases therein specified; but the Chief Judge said he did not "entertain the slightest doubt that the Court of Bankruptcy has power at any time, for good reasons, to annul any bankruptcy in which an adjudication may have been made." Having regard, however, to section 28, and to an opinion expressed by the Lords Justices in *Ex parte Foster*, that a simple adjudication could only be got rid of under that section, it is tolerably clear that the "good reasons" referred to by the Chief Judge must be very strong ones, and the circumstances very exceptional, to warrant the court in exercising this power.

A special power to annul an adjudication is given by rule 266 of 1870, which provides that "where proceedings have been instituted for liquidation or composition, the court may adjudicate the debtor bankrupt if, in the opinion of the court, the property of the debtor cannot be sufficiently protected by the exercise of the power hereinbefore given to restrain suits and actions, and the appointment of a receiver or manager; but in any such case all proceedings under the order of adjudication shall be stayed immediately upon the making thereof, and until the creditors shall have passed some special or extraordinary resolution in reference to the liquidation or composition, and in the event of any such resolution being duly passed, the adjudication shall be forthwith annulled." It seems to have been thought (not unnaturally, we think) that this power applied only to cases where, after the commencement of liquidation or composition proceedings, the court adjudicates the debtor a bankrupt in order to protect the estate; and that the rule would not apply to cases where, before the institution of liquidation or composition proceedings, a creditor had presented a petition for adjudication. But as Lord Justice Mellish pointed out in *Ex parte Foster*, proceedings in bankruptcy can only be commenced by a creditor, and proceedings in liquidation only by a debtor, and it would be very inconvenient if whenever bankruptcy proceedings are taken first, the debtor shall be deprived of all opportunity of taking the opinion of his creditors as to whether they preferred liquidation or composition to bankruptcy. In both the present cases, an adjudication made under a petition filed by a creditor before the institution of proceedings for liquidation or composition was annulled.

An important qualification is, however, to be borne in mind. In both the present cases the proceedings under the adjudication were, at the making of such adjudication stayed, either by order or express agreement, until the date fixed for the first meeting of creditors under the liquidation. This fact was not, indeed, relied on in *Ex parte Ashworth*, but Lord Justice James, in *Ex parte Foster*, "wished to be understood as thinking that, if there had been a simple adjudication of bankruptcy, without any reference to liquidation proceedings, it could only have been got rid of under section 28."

Another point which arose in *Ex parte Ashworth* was with reference to the refusal of the registrar to register some of the resolutions, on the ground that they were *ultrà vires*, while he registered others which he deemed *intrà vires*. Upon this it was contended that he had no power to register only part of the resolutions, and that if any of them were *ultrà vires*, he must reject the whole. But on this point the learned Chief Judge treated the recent case of *Ex parte Browning* (22 W. R. 638, L. R. 9 Ch. 583) as conclusive in favour of the course taken by the registrar.

Reviews.

A TREATISE ON EXTRAORDINARY LEGAL REMEDIES, COMPRISING MANDAMUS, QUO WARRANTO, AND PROHIBITION. By JAMES L. HIGH. London: Stevens & Haynes; Chicago: Callaghan & Co.

Nothing is more difficult than to form a just estimate of a work dealing with a matter of procedure in foreign law; and although the subjects comprised in the present work are familiar enough to us in the system of English law from which they are derived, yet a very slight examination of the contents of the work before us will show that the remedies treated of have been applied in the United States in a far more extensive and flexible way than in this country. This is, to some extent, due to the numerous public and *quasi*-public offices and duties created by the action of the State Legislatures, which have given a much wider field to the operation of

these extraordinary remedies than our system of government affords. But the difference exists in other directions: a striking instance of which is the practice in the United States of compelling inferior courts by mandamus to sign and seal bills of exceptions (p. 156). Having regard to this difference, and to the effect of statutory alterations in the law and procedure in mandamus both here and in the United States, it would not be safe to rely on an American authority on this branch of law. The fundamental principles are the same, but, as might be expected in a matter of procedure, the application is very different in the two countries. The work, however, appears to be very thoroughly and carefully executed, and, with the reservations which any well-informed practitioner would know how to use, might be advantageously consulted, rather, perhaps, for suggestions than for guidance.

Notes.

THE SIXTEENTH SECTION of the Debtors Act, 1869, provides that "where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that, in his opinion, a bankrupt has been guilty of any offence under this Act, or where the court is satisfied, upon the representation of any creditor or member of the committee of inspection, that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the court shall, if it appears to the court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence." And section 17 provides that, on production of the order of the court directing a prosecution, the expenses of the prosecution are to be paid as expenses of prosecutions for felony are paid. In *Ex parte Leonard*, heard by the Chief Judge on Monday last, an order had been made in a county court for the prosecution of a bankrupt for certain alleged offences under the Act. The order, on the face of it, purported to be made upon the application of the trustee's solicitor, and "upon the representation of creditors of the bankrupt, the court being satisfied that there is ground to believe that the bankrupt has been guilty of such offences, and that there is a reasonable probability that he may be convicted thereof." On the hearing of the application in the county court, one of the creditors was examined, and notes of his evidence were taken by the judge, but these notes were not filed, and there was no record on the proceedings of any such representation as was mentioned in the order having been made by any creditor. The Chief Judge held that the order could not be supported, for the representation mentioned in the Act ought to be made in writing, supported by proper evidence, and filed with the proceedings. He also said that he thought the bankrupt ought to be heard in his defence before such an order is made.

THE QUESTION what is a *criminal proceeding* within the 14 & 15 Vict. c. 99, s. 3, so as to oust the evidence of the accused on a hearing before magistrates, has been occupying the attention of the Irish Court of Criminal Appeal. *Cattell* v. *Ireson* (6 W. R. 469, E. B. & E. 91) may be considered the leading case on this point, where the Court of Queen's Bench held that an information (under the 1 & 2 Will. 4, c. 32, s. 23) for snaring game without a certificate was a criminal proceeding in which the accused was an incompetent witness, since the punishment was a fine enforceable (in case of default) by imprisonment with hard labour, Lord Campbell saying that the test would be whether the object of the proceeding was to enforce something in the nature of a debt (as in bastardy) or to punish an offence against the public. The same view was taken in *Parker* v. *Greene* (10 W. R. 316, 2 B. & S. 299) on a charge against the keeper of a licensed house (under the 9 Geo. 4, c. 61, s. 21) for knowingly permitting notoriously bad characters to assemble in his house, though the case went farther than *Cattell* v. *Ireson*, since imprisonment was imposed only in default of payment of the fine and of sufficient distress, and there was no power to inflict hard labour. Crompton, J., however, laid it down that wherever there is power to punish in proportion to the magnitude of the offence, the proceeding is a criminal one, even though there is no power to imprison. In the Irish case (*Reg.* v. *Sullivan*, 8 I. R. C. L. 404), the prisoner had been tried before Fitzgerald, J., for perjury committed on the hearing of a charge at petty sessions (under the Irish Dogs Regulation Act, 1865) of keeping a dog before the previous 31st day of March without a licence. By section 6 of the Act every person keeping a dog is to take out a licence for it before the last day of March in each year. By section 20 a fine not to exceed £2 is imposed on any person keeping an unlicensed dog after the end of March; while by section 22 all fines are to be recoverable summarily under the provisions of the Petty Sessions (Ireland) Act, 1851, which (by section 22) gives justices power in all summary cases to order imprisonment for non-payment of any penal sum. The prisoner had been examined before the justices, and had falsely sworn that the dog was born since the previous 31st of March. It was objected at the trial that he could not be proceeded against for perjury, since he had not been a competent witness at the petty sessions, and Fitzgerald, J., reserved the point. The court were unanimous in quashing the conviction, and in holding that the prisoner had been an incompetent witness. They followed *Parker* v. *Greene*, holding that as the Statute imposed a maximum, and not a specified, fine, the rule laid down by Crompton, J., was applicable. In that view the prisoner had been charged with an offence against the public, and the proceeding was a criminal one.

ONE OF THE MOST REMARKABLE of the curiosities in our reports, says the *Albany Law Journal*, is the case of *Babcock* v. *Montgomery County Mut. Ins. Co.* (4 N. Y. 326). The case holds that where a building was insured generally against loss by fire, and in a separate clause in the policy the insurers were declared liable for fire by lightning, no liability attaches for a loss occasioned by the building being struck by lightning, prostrated, and destroyed, no ignition or combustion taking place. Nicholas Hill, junior, argued the case in the Court of Appeals for the insurance company, and his argument, as usual, seemed to exhaust the learning on the subject, and Hulburt, J., who delivered the opinion of the court, made a *résumé* of the argument of counsel. The extent and variety of the allusions in the judgment to the subject under discussion are certainly unique. The point was to determine whether "lightning" is "fire," the plaintiff contending that destruction by lightning in any manner is a destruction by fire. The judge alludes to three passages in the Bible, of which the passage from the Book of Job is the most noteworthy, viz., "The fire of God is fallen from heaven, and hath burned up the sheep and the servants and consumed them." Allusions are made to the views of Seneca, the Stoics, and Epicureans. Quotations are made from Milton's "Paradise Lost" and from Byron's "Childe Harold." Scientific treatises are examined, and the names of Des Cartes, Harris, Dr. Lardner, Franklin, Faraday, and Metcalf appear in the discussion. A few law cases are cited, and the judge comes to the conclusion that "electricity, caloric, or heat may so act, without producing fire, as to cause great injuries to property, but these are not embraced by an insurance against fire alone."

WE ARE HAPPY to be able to quote high authority in support of our observations with reference to the county court bench. Mr. Daniel, Q.C., speaking at the annual meeting of the Bradford Chamber of Commerce, said "he should be very glad indeed to see any increase of jurisdiction given to the local courts, but he must caution men of business, if he need not caution lawyers, against confounding the extension of the jurisdiction of county courts and the making them into courts of first instance. There was a great difference between extending the jurisdiction of existing courts and making them courts of first instance. To make them into courts of first instance would be, in his judgment, the perfection of reform in the administration of justice; but to effect this would necessitate a consequence which it did not at once strike practical men would be required, and that would be almost a revolution in the class of men who should be appointed

judges. It was no use having an excellent machine, unless there was an engineer competent to drive it; and if we were to have courts of first instance throughout the country, which should be worthy of the confidence of the public—and unless they were that they would exist to very little purpose—they must be competent men, men in mature life, though not old men; and the appointments must not be open to the objection that had been urged against certain appointments by Sir Wm. Harcourt—that they had been made under the baneful influence of political partisanship, or under mere social influences. Such appointments must be made solely on account of the fitness to the offices of the men placed in them." We differ altogether from Mr. Daniel's view as to making the county courts the universal courts of first instance, but we heartily re-echo his observations as to the kind of men who ought to be placed on the bench.

THE QUESTION to which we recently referred of the production of reports made by medical men to railway companies in railway accident cases again came before the Court of Queen's Bench on Monday last in the case of *Farquhar* v. *Great Northern Railway Company*. In refusing a motion to set aside an order made at chambers by Mr. Justice Archibald for the production of a report of this kind, the Lord Chief Justice is stated to have said that if such reports were privileged from production, he "should advise the patient not to admit the company's surgeon to see him. Why should he be allowed to see the patient if the patient is not to be allowed to see the report he makes? If there was no negligence on the part of the company or their servants they cannot want to see the man; and, if they have been guilty of negligence, then they have no right to intrude upon him unless for the purpose of the discovery and disclosure of the truth for the purposes of justice. This court has upheld such an order as the present one, and I think it was a sound decision. It is most desirable that a medical man, on behalf of the company, should have an opportunity of seeing the patient, in order to ascertain the nature and extent of the injury. But then, on the other hand, the party should have the corresponding advantage of knowing what report has been made to the company about him. The decision of this court was sound and wholesome, and I, for one, am prepared to adhere to it."

THE QUARTERLY REVIEW ON THE JUDICATURE ACT AND RULES.

A WRITER in the last number of the *Quarterly Review*, just issued, lays down the following as the maxims which ought to govern judicial investigation. (1.) Every suitor should be compelled to show his hand at the earliest possible stage of the contest. (2.) Let the plaintiff state the facts on which he grounds his complaint, and then let the defendant state the facts on which he relies for his defence, in plain concise English, unfettered by any technical rules. (3.) When issues of fact have to be extracted from the pleadings, they should be agreed to by the parties, or, in case of difference, settled by the court. (4.) The court should decide in each particular case whether issues of fact should be tried before a judge and a jury, or a judge alone. (5.) Questions of fact should be tried either by the Nisi Prius method or by affidavit, as the court may direct in each particular case. (6.) Legal questions should be decided by a single judge of first instance, subject to appeal to a court of many judges, with a further appeal to the ultimate tribunal. (7.) No judge should be allowed to delegate to inferior officers any portion of his strictly judicial duties. He then proceeds to discuss the mode in which these principles are applied in the Judicature Act and Rules.

"The most casual glance at the schedule to the Act and the rules which have been subsequently framed, will suffice to disclose ambiguities and omissions innumerable. The mere circumstance that the new code of practice is to be picked out of two instruments instead of being scientifically defined with orderly arrangement in a single one, threatens to produce a vast amount of obscurity. If the schedule contained all the general principles and the rules all the working details, the separation would still be mischievous and embarrassing enough; but this is not so. On some topics the schedule descends to the minutest particulars, while in others it leaves the broadest maxims to be enunciated for the first time in the supplementary rules. Then again the schedule and the rules together do not nearly cover the whole ground. The general scheme of the Act is to substitute one uniform procedure for the conflicting methods at present in use in Courts of Common Law and Equity; but the very first words of the rules are a confession that it has been found impracticable within the time available for the purpose to do anything of the kind. Accordingly, the whole code of practice is prefaced by this declaration: "Where no other provision is made by the Act or these rules, the present procedure and practice remain in force." There is no definition of what is meant by "the present procedure and practice," and it will in practice mean one thing in one division of the court and a different thing in another—one thing to the mind of a common law judge, and another to the mind of a judge trained in the Court of Chancery. From the first, therefore, we should have under this system a revival of the discordant practices of courts of law and equity, which it was one of the primary objects of the Act to extirpate. Much that was good, as well as much that was bad, is swept away for the sake of uniformity, and when all is done we are very little nearer uniformity than before. The division of the new code of practice into two documents, and the incompleteness of each and of both together, were made inevitable by the hurry of last year's work. The schedule was hastily drawn, and is sometimes obscurely expressed; and though it shows, with some exceptions, a masterly grasp of first principles, it does not purport to be more than a sketch of the future procedure. Its clauses were forced through the House of Commons at a pace which the period of the session necessitated, but which left no scope for careful amendment. Its phraseology is such as repeatedly to assume the continued existence of fragments of the old procedure, without ever making it clear how much is supposed to be extinguished and how much is intended to survive. The rules, drawn necessarily in subordination to the schedule, have reproduced many of its defects of omission, ambiguity, and phraseology, from which it would be most desirable to free the future code of practice. It will be remembered that, while these rules were undergoing the final process of settlement by the judges, pressure was continually being applied in Parliament, by which the period of deliberation was confined within limits very narrow indeed, whether we consider the complicated nature of the task, the limited leisure of the judges, or the widely different standpoints from which many of them must have approached the subject. The result is that what, but for the subsequent postponement, would have been the final code has in many respects the aspect of a first draft. All this can be easily mended now; and if the rules and the schedule were consolidated into a revised schedule to the supplementary Act which must be passed, the work may be made as complete in detail as it is sound in principle.

It may be assumed that these grave defects of form will be remedied now that time is secured for consolidation and completion, but there are errors of principle which call for revision even more urgently than defects of form.

We cannot better explain our meaning than by taking some of our leading doctrines, and noting how they are at the same time recognized in theory and neglected in practice.

The manner in which the first of our maxims has been handled in the Act and the rules is a typical specimen. Of the principle itself we hope no one can entertain a doubt. Full discovery is of the essence of justice, as light is of the essence of investigation; and, as we have said, the Act accepts the doctrine. But if we are asked whether full scope would be given to it under the Statute and the rules as they stand at present, we are bound to answer in the negative.

The operation of the rules, upon this principle, can scarcely be made intelligible without a brief statement of the law and practice of discovery as it is now administered in our different courts. Prior to the great reform of legal procedure, which was enacted more than twenty years ago, discovery—in the large sense in which we use the term, as applying both to the production of documents and the admission of facts—was a thing practically unknown in courts of law. In the Court of Chancery it had been for ages a familiar and efficient process, though the detailed regulations by which it was governed required then, as they require now, some important amendments. Under the orders of court at present in force in the Court of Chancery, a plaintiff may at any time and a defendant may

after a certain stage in the suit is reached, obtain from his adversary—1. An answer on oath to any relevant interrogatories which he chooses to put in writing; 2. An affidavit containing a statement (followed by production) of all relevant documents which the deponent has or had in his possession. These privileges are subject to certain exceptions, which occasionally come into operation, and to which we will presently refer; but, in general, each party is entitled to extract from the other side a full discovery both of facts and documents relating to the matters in dispute. The value of this privilege cannot be over-estimated, but the machinery of the Court of Chancery is somewhat defective in one or two respects.

In the first place, the discovery is on oath; but if, as sometimes happens, the answer as to facts, or the affidavit as to documents, is untrue orambiguous, the process for making the discovery complete is very cumbersome and ineffective. It is an easy matter to give an evasive answer to an inconvenient interrogatory, or carelessly, or even wilfully, to omit a document from the list sworn to; and the obvious remedy in such cases would be to bring the party personally before an officer of the court, and then and there cross-examine him on the subject. But this is not allowed, either in a case of a defective answer or of a suspected affidavit of documents. Different processes are in these two cases substituted for the efficient method of immediate cross-examination.

If an answer is insufficient, the first step is to obtain from the court a declaration that it is so, and an order for a further answer. If the second answer is also insufficient, the application has to be renewed, and so on until the fourth application, when for the first time a personal cross-examination of the defaulter may be obtained. This is a needlessly tedious and expensive process, and is scarcely ever pushed through to its final stage. This inadequacy of the remedy furnished for evasion has indirectly led to a very mischievous practice. In order to guard as much as possible against evasive answers, the interrogatories administered are commonly twisted, and repeated, and varied, and interlaced, in a manner which is an absolute insult to the English language; and in the simplest case, where perhaps only half-a-dozen short questions need to be answered, the written interrogatories sometimes make up a good-sized pamphlet of jargon, and are responded to by an answer of the dimensions of a respectable volume. This is a great abuse and leads to much discreditable expense. An attempt was made in 1852 to cure the evil by an order that interrogatories should follow a certain short form given as a model; but it was soon found to be the easiest thing in the world to evade such questions, and the old abuse revived in all its vigour. The remedy, in short, was the wrong remedy. The only way to get rid of tautology in interrogatories is to make evasion an unprofitable game, and this can be done by no other method than by subjecting the offender to instant cross-examination. But it was contrary to the genius of the Court of Chancery to resort to this expedient, and it has preferred to rest under the obloquy which its ponderous interrogatories and answers have justly brought upon it.

The remedy for an insufficient affidavit of documents is even more unsatisfactory. You may know as well as possible that your adversary is in possession of an important document, which he has deliberately omitted from the list he has sworn to; but you are not allowed to prove its existence, or even to ask him to swear specially whether he has that particular document or not. All you can do is to apply for an order for a further and better affidavit, which is always refused, unless by some slip your opponent has allowed the existence of some such document to appear incidentally on the face of his own affidavit or answer. This, of course, seldom happens; and if a defendant is only dishonest and discreet enough, he can always baffle the demand for production of the most material documents, or at least indefinitely delay the process, until the plaintiff, by a circuitous process of amendment, has put himself in a position to interrogate afresh. Immediate cross-examination would, of course, furnish a complete remedy; but, for some odd reason or other, this is not allowed.

There is a defect common to all our courts, which largely detracts from the efficiency of discovery. Besides professional privilege, which entitles a client to keep secret what has passed between himself and his advisers, and which may perhaps be justifiable, there is another exception for which nothing can be said. If a litigant can so far sever the facts and documents which are to constitute his case from those advanced by the other side as to be able to say that they do not prove or tend to prove the opponent's case, but relate only to his own (a distinction which it sometimes requires a robust conscience to insist on), he is allowed to keep them back until he thinks fit to use them. It is easy to see that this exception grafted on to the practice of discovery is a relic of the time when a lawsuit was regarded as a game in which either side might make the best use he could of his own weapons—play his cards, in short, as and when he thought best, and keep his adversary as long as possible in the dark. The practice has partially survived, and indeed survives still in the proposed new rules, though the principle is, we hope we may say, exploded.

In order, therefore, to give full effect to the principle of discovery, what is wanted is, first, to abolish the exception we have mentioned; secondly, to extend the wholesome practice of cross-examining on defective answers and affidavits to all our courts; thirdly, to give the benefit of discovery equally to plaintiff and defendant from the very outset of the proceedings, and, lastly and chiefly, to take from the court the power of disallowing questions because they offend against pedantic rules of evidence or for any except well-founded reasons to be distinctly specified in the rules of court. No one can read the schedule to the Judicature Act without seeing indications of a desire to remedy the evils which we have pointed out. But on this, as on a great many other points, neither the schedule nor the rules have yet assumed the perfect shape which would have been given to them if more time had been available for deliberation.

(*To be continued.*)

THE PROPOSED INCORPORATION OF THE INNS OF COURT.

The Lord Chancellor has addressed a letter to the Master of the Rolls, in answer to questions put by him (the Master of the Rolls) on behalf of the Joint Committee of the Four Inns of Court appointed to consider Lord Selborne's Bills to incorporate those societies, in which he says:—"I have at present no intention of bringing in a Bill affecting the Inns of Court. I felt it requisite, when Lord Selborne moved his Bill last year, to state my own opinion, which I had formed after considerable reflection, as to what should be done in the matter of legal education. My speech explains what my view was and is, but the main point of difference between my plan and Lord Selborne's was that I should not wish to create a teaching university or to interfere with the internal constitution of the Inns of Court, beyond encouraging them and empowering them to regulate themselves by statutes, as was done in the case of the colleges. Having explained my own views, I have left the matter as it stands, in order to see if Lord Selborne, who will probably propose legislation, will adopt the scheme which I suggested. If he does not, I may possibly, in a subsequent session, feel it to be my duty to bring forward proposals of my own. If I should do so, I should certainly communicate them, in the first instance, to the Inns of Court. Meantime, I should certainly feel it to be a great advantage if the Inns of Court and the Joint Committee thought it right to consider and express any opinion upon the outline scheme which I endeavoured to explain in my speech." The Joint Committee, having taken into consideration the above letter, have come to the following resolutions thereon:—"Although the scheme, the outline of which was sketched by the Lord Chancellor, and the details whereof would under any circumstances require very careful consideration, is not open to the very serious objections which they entertain to the Bills proposed by Lord Selborne, yet they wish to remind the Lord Chancellor that the present system of examinations, as conducted by the Council of Legal Education, has been very recently established, and is working so satisfactorily that they deprecate any legislation on the subject until it shall be seen whether this system does not offer sufficient guarantees to ensure its general acceptance. The Inns of Court do not require the assistance of the Legislature, as the universities and their colleges did, to alter their statutes, as there are no statutes, or, indeed, any other restriction to prevent the societies from adopting the best system of legal education, and the committee believe that the societies are anxious to secure this by every means in their power."

Societies.

LAW STUDENTS' DEBATING SOCIETY.

The usual weekly meeting of this society was held on Tuesday evening last at the Law Institution, Chancery-lane. Mr. Kirk was elected a member of the society. The secretary read a list of members of the society who had taken honours at the Final Examination in Michaelmas Term, and at the late examination for the degree of LL.B. at the the University of London. The question appointed for discussion was No. CCXXXV., Jurisprudential—"Should Lord Elcho's proposals for the Municipal Government of London be adopted?" The debate was of a most animated description, and at its conclusion the question was carried in the affirmative.

ARTICLED CLERKS' SOCIETY.

A meeting of this society was held at Clement's-inn Hall on Wednesday, the 27th of January, 1875, Mr. J. T. Davies in the chair. Mr. C. E. Beal opened the subject for the evening's debate—viz., "Is a husband entitled to curtesy in lands settled to the separate use of his wife," which was carried *nem. con.* Mr. Wingfield opened the second subject—viz., "That articled clerks should be permitted to represent their principals in the county courts and before magistrates." This motion was carried unanimously.

LAW ASSOCIATION.

An extraordinary general court was held on Thursday, the 28th inst., at the Hall of the Incorporated Law Society; present, Messrs. Desborough (chairman), Steward, Bennett, Farrer, Few, J. E. Anderson, Bircham, Burgess, Carpenter, Clabon, Finch, H. R. Freshfield, A. J. Murray, Nisbet, Parkin, Proudfoot, Sawtell, Sidney Smith, E. Tylee, H. Vallance, H. T. Young, and Boodle (secretary), when it was resolved that no action be taken on the question of the amalgamation of this association with the Solicitors' Benevolent Association.

WORCESTER AND WORCESTERSHIRE LAW SOCIETY.

The annual general meeting of this society was held in the library on Friday, the 22nd of January, 1875, when there were present: Messrs. Curtler (president), Beale (vice-president), Hyde, Clarke, Bird, Corbett, and Allen (hon. sec.). The accounts, having been audited and passed, showed a balance due to the society of £41 12s. 2½d., the arrears due from members amounting to £135 9s.

The following report of the committee for the year ending 1874 was read by the hon. secretary:—

"At the termination of last year the number of members and subscribers was seventy-six, of whom thirty-four were practising solicitors in the city, twenty-seven in the country, and fifteen subscribers, composed chiefly of members of the bar. Two new members, Mr. George Turner Miller and Mr. Thomas Garrold Stallard, have been elected members during the past session, making the total number of members aggregated to the society one more than last year."

After referring to the treasurer's accounts and the library, the report next notices the "*Land Transfer Bill.*—The 159th section of the Bill of last session, gave authority to the Lord Chancellor, with the concurrence of the Commissioners of the Treasury, to create district registries, and as the Bill originally stood, it was enacted that the registrars and assistant registrars should be barristers of ten years standing. Your committee thought it expedient to present a petition from this society urging the propriety of establishing district registries for counties similar in extent and locality to the present district registries of the Court of Probate, and pointing out that from the constant and extensive dealings with landed property in conveyancing by solicitors of this country it would be unfair and impolitic to make them ineligible for the appointments contemplated by the Bill. A petition embodying these views was prepared and presented by Lord Lyttelton in the House of Lords. A meeting of the representatives of the provincial law societies having been called at the Law Institution, Chancery-lane, on the 27th of May, to consider what action that association should take in reference to the above measure, and the matter having been fully considered by your committee, it was resolved that a deputation from the society, consisting of the president, Mr. Hughes, and your honorary secretary, should attend the meeting accordingly, and they have made a report which is given in the minute book. A more detailed account of the proceedings is given in the printed report of the Associated Law Societies, a copy of which was sent to every member of this society.

"*Judicature Act*, 1873.—The subject of this Act having been considered by your committee, and it being very desirable that the city of Worcester should be made one of the district registries under the 60th and following sections of the Act, it was deemed expedient to present a petition from this society praying that the city of Worcester should be appointed a place of registry under the provisions of the Act above-named, and a petition was accordingly prepared, but in consequence of the subsequent suspensory enactment the petition was not presented.

"*Incorporated Law Society.*—Having passed a resolution that the president of certain provincial law societies (of which Worcester was one) should become extraordinary members of the council, the name of the present president of this society was sent up (he having become a member of the Incorporated Law Society), but as the meeting of the latter society took place shortly before the date of our annual meeting, and the president was not then actually elected, he was declared not eligible. Your committee, however, trust that future presidents will not omit to qualify themselves for the council, it being very desirable that this society should be directly represented there. Your committee refer with satisfaction to the fact that the two metropolitan law societies have now become amalgamated; which as it will tend to strengthen the influence of the existing society will doubtless prove beneficial to the profession generally, and to law societies in particular. The resolution of the Incorporated Law Society to hold an annual meeting in the provinces, which was carried out last autumn by the meeting at Leeds, will meet with the cordial approbation of the country members.

"*Scale of Costs by Commission.*—The sub-committee appointed to consider and report on the scale of costs by commission on sales and mortgages made their report, in which they expressed their opinion that the scale then proposed (being the revised scale of costs of the Incorporated Law Society) should be generally adopted, but that the power to charge by commission should have legislative sanction.

"*Law Students' Society.*—Your committee observe with satisfaction that the Law Students' Society of this city is going on with increased vigour, and numbers twenty members, fifteen of them being ordinary members (law students) and five vice-presidents (members who have passed their final examination)."

It was moved by the president, and seconded by the vice-president, that the report be adopted.

On the motion of Mr. Clarke, seconded by Mr. Curtler, it was resolved that Mr. Beale be elected president for the ensuing year.

On the motion of Mr. Hyde, seconded by Mr. Bird, it was resolved that Mr. Woof be elected vice-president.

Mr. Curtler proposed, and Mr. Clarke seconded, a motion, which was carried, that Mr. Allen be re-elected hon. secretary and treasurer.

Upon the proposition of Mr. Hyde, seconded by Mr. Allen, the following gentlemen were elected the committee for the ensuing year (in addition to the *ex officio* members), viz., Messrs. Southall, Curtler, Hyde, Hughes, and Corbett.

It was moved by Mr. Allen, seconded by Mr. Clarke, and carried, that the thanks of this meeting be given to Mr. Curtler for his services and attention as president during the past year.

A similar vote was also passed to the hon. secretary.

Obituary.

MR. ROBERT MILLIGAN SHIPMAN.

Mr. Robert Milligan Shipman, solicitor, a member of the well-known Manchester firm of Sale, Shipman, Seddon, & Sale, died at his residence Bredbury Hall, Lancashire, on the 16th ult., in his 58th year. Mr. Shipman was born at Hinckley, in Leicestershire, in 1817, and was educated at the grammar-school in that town. He was articled to the late Mr. Joseph Mann, at Tenterden, and was admitted a solicitor in 1840. On completion of the period of his articles he went to Manchester, and acted for about three years as managing clerk to Messrs. Atkinson & Saunders, of that city. He then joined the firm of Sale & Worthington, with which he retained his connection up to the day of his death. The firm enjoyed a large commercial practice, and Mr. Shipman gave especial attention to bankruptcy proceedings. He was at all times very active in his efforts to promote improvement in the law of bankruptcy, and before the passing of the Bankruptcy Act, 1861, he attended several deputations on the subject to the then Attorney-General. He was solicitor to the Guardian Society for the Protection of Trade, and honorary solicitor to the Manchester Home Trade Association. Mr. Shipman's politics were Liberal. He was a leading member of the Unitarian body in Manchester, and chairman of the Unitarian Home Mission Board. He was a director of the Manchester Athenæum, and was one of the founders of the Lancashire Public School Association. For some time Mr. Shipman's health has been failing. The news of his death will cause sincere regret to a wide circle of professional friends.

MR. THOMAS WEATHERLEY PHIPSON, Q.C.

We have to announce the death of Mr. Thomas Weatherley Phipson, Q.C., late of the Oxford Circuit. Mr. Phipson was born in 1806, and, after several years of practice as a special pleader, was called to the bar at Lincoln's-inn in Trinity Term, 1845, and joined the Oxford Circuit. In 1862 he was created a Queen's Counsel, and if his strength had permitted, he would, doubtless, have attained to a high position, but, unfortunately, the state of his health was such that he was obliged a few years ago to relinquish his profession. Mr. Phipson was a bencher of Lincoln's-inn. He died at Southampton on the 14th inst. at the age of sixty-eight.

MR. THOMAS WESLEY TURNLEY.

Mr. Thomas Wesley Turnley, solicitor, the head of the firm of Turnley, Sharman, & Smail, died at his residence at Bedford on the 7th ult. Mr. Turnley was admitted a solicitor in 1838, and immediately commenced to practise at Bedford in partnership with Mr. Alexander Sharman. After that gentleman's death he carried on the business alone for several years, but subsequently entered into partnership with Mr. Mark Sharman (who is clerk and superintendent registrar to the Bedford Union) and Mr. William Smail. Mr. Turnley was for several years clerk to the Commissioners of Taxes at Bedford, and also clerk to the Bedford Improvement Commissioners. He was a commissioner for taking affidavits in the Courts of Chancery and Common Law, and a perpetual commissioner for the county of Bedford. He acted as secretary to the Bedfordshire Middle Class School, having assisted most zealously in the foundation of that institution. In politics Mr. Turnley was a Conservative. Mr. Turnley's health had long been delicate, and his death was not unexpected. He was buried on Friday, the 15th ult., in the Bedford Cemetery.

MR. EDWARD HOSKINS.

Mr. Edward Hoskins, solicitor, of Gosport, died at Northampton on the 17th ult., at the age of forty-eight. He had been for some time in weak health, but the immediate cause of his death was bronchitis. Mr. Hoskins was admitted a solicitor in 1848, and had been ever since that time in practice at Gosport. He was formerly Deputy-Judge Advocate of the Fleet for Portsmouth, and he also acted for a long time as steward and manager of the Hampshire estates of Mr. William Henry Stone, late M.P. for Portsmouth. He was a notary and a commissioner for taking affidavits both in Chancery and in Admiralty, and was one of the coroners for the county of Hampshire, in which capacity he won general approval by the way in which he discharged his duties. Mr. Hoskins was married to a daughter of Alderman Carr, of Oxford, and he leaves a large family.

MR. JOHN GRAY, Q.C.

Mr. John Gray, Q.C., the solicitor to the Treasury, died at his residence, 16, Gloucester-road, Regent's-park, on the 22nd ult., at the age of sixty-eight. Mr. Gray was called to the bar at the Middle Temple in Hilary Term, 1838, and joined the Oxford Circuit and Worcestershire and Gloucestershire Sessions. He became known as the author of several books intended mainly for the use of country practitioners, viz., "Gray's Country Attorneys' Practice" (which went through seven editions), "Gray's Country Solicitors' Practice in Chancery," and "Gray's Law of Costs." He was very extensively engaged in arbitrations and in matters involving questions of the practice of the courts. He acted as one of the counsel for the defence in the memorable trial of William Palmer, being associated with the late Mr. Justice Shee, the present Mr. Justice Grove, and Dr. Kenealy. In 1863 Mr. Gray was created a Queen's Counsel, and in 1871 he was nominated solicitor to the Treasury, on the death of Mr. Greenwood, Q.C. The appointment was entirely unsolicited by him. The solicitor to the Treasury is not brought prominently before the public, but his duties are of a very responsible nature. Mr. Gray had the chief direction of the recent Orton prosecution. He was a bencher of the Middle Temple, standing next in rotation for the office of treasurer.

Appointments, Etc.

Mr. JOHN ARTHUR BUCKLEY, chief clerk in the chambers of Vice-Chancellor Sir Richard Malins, has been appointed a Taxing Master to the Court of Chancery, in the place of the late Mr. John James Johnson.

Mr. WALTER MURTON, solicitor, of 45, Bloomsbury-square, has been appointed Solicitor to the Board of Trade. Mr. Murton was admitted a solicitor in 1858, and is in partnership with Mr. William Henry Egelstone Duncar. The new appointment has been made in accordance with the recommendation of the Royal Commission on Unseaworthy Ships.

Mr. WILLIAM BARSTOW, solicitor, of Halifax, Yorkshire, has been elected Coroner for the Halifax district, in succession to the late Mr. Dyson. Mr. Barstow was admitted in 1854, and has for six years acted as deputy to his predecessor. He has also held the office of coroner for the Honor of Pontefract.

Mr. GEORGE ROSE INNES, junior, solicitor, of 106, Fenchurch-street, City, has been elected Chairman of the Law and Parliamentary Committee of the Common Council. Mr. Rose Innes was admitted in 1862, and is in partnership with his father, Mr. George Rose Innes. He has for several years represented Aldgate ward in the Common Council.

Mr. EDWARD WILLSON CROSSE, solicitor and proctor, of 7, Lancaster-place, and Hornsey, has been elected Chairman of the Hornsey School Board.

Mr. JOHN COOPER, solicitor, of Manchester, has been appointed a Perpetual Commissioner for taking Acknowledgments of Deeds by Married Women for the County of Lancaster.

Mr. ALFRED HEALES, solicitor, of Carter-lane, Doctors'-commons, has been appointed a London Commissioner to Administer Oaths in Common Law.

Mr. EVAN LAKE, solicitor, of Gravesend, has been appointed a Commissioner to Administer Oaths in Chancery.

Mr. HENRY SHEPHARD, barrister, of the Bombay bar, has been appointed to act as Government Pleader for the

Presidency, during the absence of Mr. James William Handley. Mr. Shephard was called to the bar at the Inner Temple in Michaelmas Term, 1867, and was formerly on the Home Circuit. He is the author (jointly with Mr. Henry Stewart Cunningham, the Advocate-General of Madras) of "Commentaries on the Indian Contract Act."

Sir HENRY JAMES SUMNER MAINE, K.C.S.I., barrister-at-law, has been nominated as Sir Robert Rede's Lecturer at the University of Cambridge. He was educated at Christ Hospital and graduated as Senior Classic and Chancellor's Medallist, in 1844. He was called to the bar at the Middle Temple in Trinity Term, 1850, and was successively Regius Professor of Civil Law at Cambridge and Reader in Jurisprudence and Civil Law at the Middle Temple. He was also for a short time a revising barrister for Middlesex. From 1862 to 1868 he was the legal member of the Supreme Council at Calcutta, and on his return to England he was created a Knight Companion of the Order of the Star of India. He is now a member of the Indian Council, Corpus Professor of Jurisprudence at Oxford, and a Fellow of Corpus Christi College, Oxford. Sir H. Maine is known as the author of works on "Ancient Law," "Village Communities," and "The Early History of Institutions."

Mr. ABRAHAM HOWELL, solicitor (late of the firm of Howell, Jones, & Howell), Welchpool, has been placed in the Commission of the Peace for Montgomeryshire on his retirement from practice.

Mr. EDWARD GIBSON, Q.C., who has been returned as M.P. for the University of Dublin in the Conservative interest, is the second son of William Gibson, Esq., J.P., Taxing Master of the Court of Chancery in Ireland, by Louisa, daughter of Joseph Grant, Esq., barrister-at-law. Mr. Gibson was born in 1837, and educated at Trinity College, Dublin, where he graduated as B.A. in 1858, and as M.A. in 1861. He was called to the Irish bar in 1860, and belongs to the Leinster Circuit. He became a Queen's Counsel in 1872.

Legal Items.

It is stated that the Government are about to introduce a Public Prosecutors Bill.

There is no foundation for a rumour which appears to have been current that Baron Bramwell and Mr. Justice Mellor will shortly retire from the judicial bench.

Through an error in the list furnished to us of the names of gentlemen who passed the final examination (*ante*, p. 200) the name of Mr. Thomas Metcalfe Barrow, was printed instead of Mr. Thomas Metcalfe Barron.

The new Attorney-General for Ireland, Mr. Henry M. Ormsby, Q.C., was on Monday morning sworn in office by Sir Ralph Cusack, Clerk of the Crown and Hanaper, at the sitting of the Irish Court of Chancery.

Mr. Thomas Meredith, of the firm of Martin and Meredith, shorthand writers, proceeded on Thursday night to Bombay, *viâ* Brindisi, with a staff of assistants, for the purpose of supplying a *de die in diem* transcript of the proceedings in the trial of his Highness the Guicowar of Baroda.

The *Canada Law Journal* says:—"The last time I met Joaquin Miller, the American poet," says the London correspondent of a contemporary, "he spoke of himself as 'Judge' Miller. I expressed my delight and surprise. I had been unaware of his judicial dignities. Indeed, I did not even suspect that he knew any law. Upon my expressing my surprise, he replied calmly—'Yes, sir, for four years I administered law in Oregon—with the help of one law-book and two six-shooters.'"

The following spring circuits have been fixed—viz., Northern: Pollock, B., and Amphlett, B., Appleby, Monday, February 15; Carlisle, Wednesday, February 17; Newcastle, Monday, February 22; Durham, Tuesday, March 2; Lancaster, Monday, March 8; Manchester, Friday, March 12; Liverpool, Wednesday, March 24. Western: Kelly, C.B., and Lush, J., Winchester, Monday, March 1; Dorchester, Monday, March 8; Exeter, Friday, March 12; Bodmin, Friday, March 19; Taunton, Tuesday March 23; Devizes, Monday, March 29; Bristol, Friday, April 2. Home Circuit, Cockburn, C.J., and Denman, J.: —Hertford, Monday, March 1; Chelmsford, Monday, March 8; Maidstone, Monday, March 15; Lewes (or Brighton), Monday, March 22; Kingston, Tuesday, March 30.

Mr. Daniel, Q.C., was rather plaintive at Bradford the other day on the circumstance that, "among the heads of the profession in London, judges as well as practitioners, there was what he believed to be an undue distrust of the efficiency of local tribunals. In the House of Commons itself it had been said by the late Attorney-General, Sir John Coleridge, that cheap law must be bad, and that in cheap tribunals the law must be bad. On the other hand, the late Solicitor-General, now Master of the Rolls, Sir George Jessel, following out the experience of his own practice, said that good law must be dear. Now he believed neither of these statements was true. He believed it was possible to have cheap law and have it good, and that tribunals could be so constituted that there should be no unnecessary forms in their procedure, but that they should be able to get in the most direct manner at the facts of a case."

Messrs. Lattey and Hart have addressed the following letter to the *Times*:—"As the amount of Serjeant Ballantine's fees for undertaking the defence of his Highness [the Guicowar of Baroda], and the serjeant's movements appear to be matter of public interest, allow us, as the solicitors who secured the services of that learned counsel, to inform you the fee we paid upon the retainer being accepted was 5,000 guineas. We have arranged a further scale of fees depending somewhat on the time the serjeant will be absent from England, but which may be estimated at not less than a further sum of 5,000 guineas. The trial is fixed to commence at Bombay on the morning of the 18th of February; the learned serjeant will, in all probability, arrive there on the evening of the 17th. We may further inform you that we have engaged a complete staff of shorthand writers to proceed to Bombay in order to take a full report of the trial."

An American legal journal advertises the following novel publication:—"*The Juror*: being a Guide to Citizens summoned to serve as Jurors. Containing information as to the manner of drawing and selecting Jurors; their rights, privileges, liabilities, and duties; reasons for exemption from service, and mode of arriving at and rendering verdicts. By Andrew Jackson Reilly, officer of the District Court for the City and County of Philadelphia. Revised by E. Cooper Shapley, Esq., of the Philadelphia Bar, and secretary of the Board for Selecting and Drawing Jurors for the City of Philadelphia. Philadelphia: John Campbell & Son, Law Booksellers and Publishers, 740, Sansom-street. 1873. In connection with the *Juror* it is proposed to have an appendix containing a directory of the principal practising attorneys of the State of Pennsylvania, as information needed by jurors when favourably impressed with the learning, skill, or eloquence of those before them. The circulation of this work is already assured to the extent of five thousand copies the ensuing year, in different parts of the state. Members of the Bar will please address A. J. Reilly, Room No. 23, 737, Walnut-street."

The following is a list of the Committee for Preserving the Jurisdiction of the House of Lords as a Court of Final Appeal for the United Kingdom:—Sir John Dugdale Astley, M.P., Sir William Bagge, M.P., Edwards Bates, M.P., the Right Hon. the Earl of Bective, M.P., Mr. J. P. Benjamin, Q.C., Sir George Bowyer, D.C.L., M.P., Mr. Isaac Butt, Q.C., M.P., Mr. William Romaine Callender, M.P., Mr. Frederick Calvert, Q.C., Mr. Montagu Chambers, Q.C., Mr. William Thomas Charley, D.C.L., M.P., Mr. Arthur Cohen, Q.C., Mr. William Edward Dowdeswell, M.P., Colonel Richard Dyott, M.P., the Right Hon. Lord Gormanston, the Right Hon. the Marquis of Hamilton, M.P., Mr. William Housman Higgin, Q.C., Mr. Joseph Napier Higgins, Q.C., Mr. William Nicolson Hodgson, M.P., the Right Hon. Lord Houghton, Sir George Jenkinson, M.P., Sir John Kennaway, M.P., Mr. Thomas Knowles, M.P., Mr. Henry Charles Lopes, Q.C., M.P., Mr. John Fraser Macqueen, Q.C., Mr. Henry Matthews, Q.C., Mr. Edward Leigh Pemberton, M.P., the Right Hon. Lord Penzance, the Right Hon. the Earl of Powis, Mr. Serjeant B. Coulson Robinson, Mr. Thomas Salt, M.P.,

Mr. Serjeant Frederick Lowten Spinks, M.P., Mr. John Piers Chamberlin Starkie, M.P., the Right Hon. Sir John Stuart, Mr. Philip Twells, M.P., Mr. Samuel Danks Waddy, Q.C., M.P., Mr. Robert Griffith Williams, Q.C., Mr. Watkin Williams, Q.C., M.P., the Right Hon. James Stuart Wortley, Q.C., Sir Edmund Beckett, Q.C., Mr. John Charles Day, Q.C., Mr. Charles Springel Greaves, Q.C., Mr. Alexander Staveley Hill, Q.C., M.P., Mr. Morgan Howard, Q.C., Mr. John Robert Kenyon, Q.C., Mr. Morgan Lloyd, Q.C., M.P., Mr. John Patrick Murphy, Q.C., the Hon. Alfred H. Thesiger, Q.C., Mr. Alfred Wills, Q.C., Mr. Henry Thomas Cole, Q.C., M.P., Mr. Hardinge Giffard, Q.C., Mr. T. K. Kingdon, Q.C., Sir Thomas Gladstone, of Fasque, N.B. Mr. William Redford, Provisional Secretary, 13, King's Bench-walk, Temple.

A dispute has arisen between Sir Hercules Robinson, Governor of Victoria, and Sir James Martin, the Chief Justice, and a long correspondence between them has been published. It appears that the Governor on leaving Melbourne to arrange the cession of the Fiji Islands, addressed a letter to the Chief Justice stating that his instructions from the Secretary of State were to the effect that during his absence the usual course of swearing in the Chief Justice as administrator of the colony should not be followed "unless on emergency." As soon as the Governor had left, Sir J. Martin addressed a letter to the Colonial Secretary (Mr. Parkes) requesting that he might be sworn in; but no step was taken in the matter by the Executive Council. Shortly afterwards it became necessary to remove a dangerous lunatic, a step which requires a warrant from the Governor, to which the order or sanction of a judge is a condition precedent. On an application being made to the Chief Justice in the matter he refused to make any order because, without the Governor's signature, it would be illegal and invalid. Much excitement has been created, and it is rumoured that Sir J. Martin will resign his judicial appointment and return to political life.

Courts.

*BANKRUPTCY.**

(Before Mr. Registrar MURRAY, sitting as Chief Judge.)

Dec. 9; Jan. 13.—*Re Von Hafen.*

The old rule that a joint creditor, who has obtained an adjudication against one of the joint debtors, is entitled to prove in competition with the separate creditors, is no longer in force.

A joint creditor of V. and P. (traders in co-partnership) filed a petition for and obtained an adjudication against V. Three days afterwards the creditor filed a petition against P., which also resulted in an adjudication being made.

An order was afterwards granted by the court by which it was directed that the estates of V. and P. should be worked separately. The creditor then applied to prove against the estate of V. The trustee rejected his proof. Upon appeal,

Held, that notwithstanding the fact that he had obtained a separate adjudication against V. he had no right of proof.

This was an appeal by Sir Thomas Pasley from a decision of the trustee rejecting a proof tendered by him against the separate estate of the bankrupt Von Hafen for the sum of £3,186.

It appeared that Sir Thomas Pasley, being a creditor of Von Hafen and Hamilton Pasley, traders in co-partnership, for the sum of £3,186, filed a petition for, and obtained an adjudication of, bankruptcy against Von Hafen alone. Three days afterwards he presented a petition for adjudication against Hamilton Pasley which also resulted in an adjudication being made. The court afterwards made an order, by consent of all parties, that the estates of Von Hafen and H. Pasley should be worked separately. Sir Thomas Pasley having presented a proof against the estate of Von Hafen for the sum of £3,186, the trustee rejected it. Sir Thomas Pasley appealed.

Section 100 of the Bankruptcy Act, 1869, enacts that "any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present such petition against any one or more partners of such firm without including the others."

Section 103, "If one partner of a firm is adjudged bankrupt any creditor to whom the bankrupt is indebted jointly with the other partners of the firm or any of them may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts."

De Gex, Q.C., and *Bagley*, for the appellant.

H. Davey and *F. O. Crump*, for the respondent.

The course of the arguments will sufficiently appear from the judgment of the court.

MURRAY, Registrar.—I do not think any useful purpose can be served by delaying my judgment in this case. I have had some opportunity of looking into the authorities since the case was before me, and having been argued at great length I may as well make a few observations which appear to be necessary at once. The point in dispute lies within very narrow limits, and in my opinion those limits are the four corners of the 103rd section of the present Bankruptcy Act. We must take that section in connection with the 100th section, which is in these words [His Honour read the section, and also the 103rd section]. Looking simply, and apart from other considerations, at the negative prohibitory words of the latter section—a provision under which the court is to administer the estate of the debtor—it is difficult to see how the court could act otherwise than upon the direction contained in the statute, or could accede to the present application by allowing the joint creditor to prove against the separate estate of Von Hafen. The debt is admitted to be a joint debt, and it appears that a separate petition has been presented by the petitioning creditor against each of the partners, that against Von Hafen being presented three days previously to the petition against his partner, Pasley. I will not dwell at this moment on it, but that is the state of the case, and the petitioner, though a joint creditor, now seeks to prove against the estate of the one partner. It has been argued by Mr. De Gex that notwithstanding the clear negative provisions of the 103rd section, and which, in passing, one may observe is very nearly a re-enactment of section 140 of the Act of 1849, the equitable rule still prevails which existed previously to the passing of the Act of 1849—viz., that where a creditor sues out a commission against one member of the firm on a debt which is a debt due from the firm jointly, the petitioning creditor though a joint creditor is to be at liberty to prove and receive dividends out of the separate estate. It is quite clear from the numerous authorities cited by Mr. De Gex, that up to 1824, which was the time of the passing of 5 Geo. 4, c. 98, such a rule did exist as judge-made law. The cases do not show at what precise moment the rule was initiated which drew the distinction between the case of a petitioning creditor happening to be a joint creditor, and the case of other joint creditors under a separate commission. I cannot find any case in which this exception was initiated. The case cited by Mr. De Gex, of *Ex parte Elton*, 3 Ves. 238, laid down the rule as to joint creditors in these terms:—viz., that where joint creditors seek to be admitted to prove under a separate commission they should be admitted to prove, but not to receive a dividend, and that the dividend should be reserved until an account be taken of what they had or might have received out of the partnership effects. That was the rule laid down by Lord Loughborough, and in giving his judgment upon it his lordship makes these remarks:—"With regard to the creditor suing out the commission the separate creditors cannot object to his having the effect of the execution he has taken out. He is precluded from suing at law, and it would be against all equity, having done it for their benefit, to refuse him the fruit of that for his own debt." According to the observations of Lord Loughborough, it would seem that the rule that the petitioning creditor is to be an exception to the other joint creditors was then in force. At all events that is his enunciation of the rule. It is clear from the cases which afterwards arose that this was considered and maintained as the settled practice. But in looking through the cases which came before Lord Eldon, as well those cited by Mr. De Gex as many others, it is worthy of notice that in almost every one Lord Eldon expresses his dissatisfaction with the rule laid down in *Ex parte Elton*. Before noticing these, I would refer to a case of *Ex parte Abel* before Lord Loughborough himself, 4 Ves. 837 (which would be shortly after the case of *Elton*),

* Reported by J. C. BROUGH, Esq., Barrister-at-Law.

where, in speaking of joint and separate creditors, Lord Loughborough says, "I really feel that the practice which prevailed for so long a period upon the clear rule of equity that the joint estate ought to be applied, first to the joint debts, and, after they are paid, then to the separate debts; and *vice versâ* the separate estate first to the separate debts, is as far as the court ought to have gone." Then as to Lord Eldon, there is a case of *Re Kensington*, 14 Ves. 448, in which the question as to the right of joint and separate creditors was involved. His lordship said, "This question respecting joint and separate creditors has been much agitated. Lord Thurlow thought the joint creditors were entitled to prove, as, though the contract was joint, the execution was separate. Lord Rosslyn when he first came on the bench preferred that rule, but afterwards established the rule in *Elton's case*. When I succeeded him I declared that, though the principle of that rule seemed doubtful, the rule was settled and ought not to be shaken." Again, in the case of *Ex parte Ackerman*, 14 Ves. 604, which was the case of a joint creditor, being the petitioning creditor under a separate commission entitled to receive dividends, &c, with separate creditors, not being within the rule extending to the other joint creditors, Lord Eldon said that "he had often pressed Lord Rosslyn in vain against the rule laid down in *Ex parte Elton*, the consequences of which were very unsatisfactory, but it had for a long time been the settled rule." And in that case the order was made. In another case cited by Mr. De Gex, *Ex parte Bolton, re Mackenzie*, 2 Rose, 389, Lord Eldon says, "This is a case very special in its circumstances, and I strongly felt at the argument that if they who had decided *Ex parte Crisp*, 1 Atk. 133, had been aware of the inconveniences which that decision would occasion, they would not have so decided." The case of *Ex parte Crisp* was the first case in which it was decided that the joint creditors could sue out a separate commission. That was the initiation of the whole thing, and it is clear that Lord Eldon was extremely dissatisfied at its being decided that a joint creditor might be at liberty to sue out a separate commission without giving the other joint creditors the same rights as he had himself. Again in *De Tastet's case*, 17 Ves. 250, he says, "This, it may be observed, introduces two joint creditors to take dividends with the separate creditors. . . . I am much struck with that consequence, but, considering the principles admitted in the case of *Crisp*, which settled this point . . . and though considerable inconvenience may be foreseen as the result of that sort of decision, yet . . . all the consequences must follow," &c. Then there is the case of *Ex parte Chandler*, 9 Ves. 35, as to a joint creditor being permitted to prove against the separate estate, in which Lord Eldon, in giving judgment, said "he had great difficulty upon this, which was just the consequence to be apprehended from the rule established in *Ex parte Elton*, repeating the objections to that rule, particularly in the inconsistency of permitting a joint creditor to be the petitioning creditor in a separate commission and yet not allowing any other joint creditor to prove except for the purpose of assenting to or dissenting from the certificate and giving the account in the absence of parties interested in taking it. His lordship further said that he followed Lord Rosslyn's rule, which differed from both Lord Hardwicke's and Lord Thurlow's, not as approving it, but finding it established, and therefore thinking it better to adhere to that rule except in the case where there were no separate debts. The petitioner might take the order, provided he would pay the separate creditors." It is clear in the case of *Ex parte Chandler*, that the rule for which Mr. De Gex is now contending existed, because I find that the petitioning creditor under the commission, also a joint creditor, was represented by counsel and consented to the prayer of the petition and the order was made.

I have only referred to these cases for the purpose of showing that the question as to the rights of joint creditors, in cases where a separate commission was taken out against one of the partners, was the subject of very considerable agitation and discussion during the whole of Lord Eldon's Chancellorship, and because the constant dissatisfaction expressed by him raises the inference that, in all probability, when this matter became the subject of statutory enactment, it was well known that the question had been much ventilated and disapproved of; and I cannot assume for a moment that the Legislature, or those who prepared the Act of Parliament, were not perfectly well aware of this, and framed the Act of Parliament with these cases fully in their minds. Now, in the year 1824, the Act of 5 Geo. 4, c. 98 was passed, being an Act to amend and consolidate the laws relating to bankruptcy. By the 15th section of that Act it was enacted that any creditor or creditors, whose debt or debts is or are sufficient to entitle him or them to petition for a commission against all the partners of any firm, may petition for a commission against one or more partners of such firm, &c.; that being the first statutory enactment, so far as I know, by which a joint creditor could sue out a commission against any one member of a firm. The 104th section is in these words—"Be it enacted, that in all commissions against one or more of the partners of the firm (except in commissions against one of several partners issued previous to this Act), where the debt of the petitioning creditor is a joint debt of the bankrupt or bankrupts and any other person or persons, such petitioning creditor shall not receive any dividend out of the separate estate of the bankrupt or bankrupts until all the separate creditors shall have received the full amount of their respective debts." It is quite clear, from the wording of that section, that the attention of the Legislature had been called to the existence of the rule from these very qualifying words. They pass an Act of Parliament, saying, "Henceforward the petitioning creditor shall not have the advantage of this rule, shall not stand in a different position from the other joint creditors of the debtor, but inasmuch as joint creditors may have sued out a separate commission against one partner of a firm previous to the Act, we will not disturb their rights, and therefore, in cases of such commission, we will leave the rule where it was." Then comes 6 Geo. 4, c. 16, which, no doubt, rehabilitates the rule. Section 16 of 6 Geo. 4, c. 16, enacts, that "any creditor or creditors whose debt or debts is or are sufficient to entitle him or them to petition for a commission against all the partners of any firm, may petition against any one or more partners of such firm, and every commission issued upon such petition shall be valid," and so on. Then we come to the 62nd section, of which the words are: "And be it enacted, that in all commissions against one or more of the partners of a firm, any creditor to whom the bankrupt or bankrupts is or are indebted jointly with the other partner or partners of the said firm, or any of them, shall be entitled to prove his debt under such commission for the purpose only of voting for the choice of assignees under such commission, and of assenting to or dissenting from the certificate of such bankrupt or bankrupts or of either of such purposes; but such creditor shall not receive any dividend out of the separate estate of the bankrupt or bankrupts until all the separate creditors shall have received the full amount of their respective debts, unless such creditor shall be a petitioning creditor in a commission against one member of the firm." There the rule is clearly rehabilitated without qualification. This fact is perhaps one of the strongest arguments that can be adduced in favour of the trustee in this case, because the 5 Geo. 4, c. 98, having reserved the right of the petitioning creditor in certain cases, and the 6 Geo. 4. c. 16, having reserved the right of the petitioning creditor without qualification, we come to the Act of 1849, which is a Consolidation Act, and there we find that the right of the petitioning creditor is not reserved at all. In saying that the Legislature had fully considered the question, one might not be going too far in assuming that the persons who framed the Act were fully alive to the dissatisfaction which had been expressed by Lord Eldon on several occasions, that one joint creditor should be in a different position to other joint creditors, that is to say in this respect, that a joint creditor should be at liberty to sue out a commission against one partner and that none of the joint creditors except himself should have liberty to go in under that commission.

Then it was said that, if the court disallowed a creditor to receive dividends in a case like this on account of the negative words in the Act, the same rule must be applied to three other exceptions, which were brought to my notice, viz., the case where there was no joint estate, the case where there had been fraudulent conversion, and the case of distinct trades. Now, in respect to the two latter cases, I must say it does not seem to me that these so-called exceptions have anything to do with the rule as to proof by joint creditors against the separate estate.

fraudulent conversion is where joint estate has been fraudulently converted into separate estate, and there the proof is not brought against the separate estate proper, but against the estate which, but for the conversion, would have remained, and must therefore be considered as joint estate. So, again, as to distinct trades. Where there is one member of a firm carrying on a trade distinct from that carried on by the other members of the firm, and he has contracted debts to that firm, when the firm comes to prove against the estate of the member carrying on a distinct trade, it is not the case of joint creditors proving against the separate estate at all.

In regard to the last case cited, no doubt there is a great deal in Mr. De Gex's argument in reference to that case of *Ex parte Birley*, 2 M. D. & D. 354, that the court would not have granted an inquiry if it had not considered that the words of the 6 Geo. 4, c. 16, did not interfere with the rule that where there was no joint estate a joint creditor might prove against the separate estate. He says that the same argument which is urged upon the court in this case would have held good in the case of *Ex parte Birley*, and the court ought not to have inquired whether there was any joint estate, which, however, they did. But I do not think the argument sufficiently strong. When such a question arises under this Act of Parliament, if such a question should ever arise, it will be time enough to decide it, and I do not think the argument upon the present application is of sufficient weight for me to overrule the clear negative words of the 103rd section of the present Act. But one very strong point remains, and that is, that from the year 1849 no authority whatever is cited or has been found. Now, I think in respect to that, I may paraphrase the judgment of Lord Lyndhurst in the case of *Ex parte Burnett*, 2 M. D. & D. 357. It so happens that in reading that case I found some observations of Lord Lyndhurst which struck me as being applicable to the present case. It was a case where his lordship overruled the decision of the court below, and held that the fact of a man who had sued out a commission being a joint creditor as well as a separate creditor did not prevent the rule from applying, and that he was at liberty to vote and to receive dividend. His lordship in giving judgment recognizes the rule which has been referred to, and says this: "That is the general rule, but it is urged that in this case there is an exception, that the separate debt is sufficient to support the fiat, and therefore the petitioners have . . . no right to prove in competition with the separate creditors." [His honour read a portion of the judgment.] Now, I say that the absence of any reported authority since the year 1849, and the absence of any case in which such a question as this has been raised, and no such case being decided, afford very strong ground for supposing that the rule was not considered as existing after the passing of the Act of 1849.

With regard to text writers, Mr. De Gex has cited the observations of various gentlemen, four or five at least, all of whom, as he points out, treat the rule as one that is still existing, but with all respect to text writers, to whose labours we are all indebted, their opinions or statements are, in point of fact, only the reflex of decisions and judgments given in a variety of cases, and carefully selected and compiled by them, from which they are enabled to state the law on any particular subject, and the first thing one does on finding a statement made or an opinion given by a text writer, according to long experience, is to look to the notes of cases by which that statement is supported. But if we look at the notes by which all these text writers support their view that this is an existing rule, you will find that not one of them cites a single case beyond the case I have referred to before Lord Lyndhurst in 1841. Not a single case can I find since that time; certainly no case since 1849. Of course after the Act of Geo. 4, which settled by statutory enactment that this rule was to exist, one would not expect to find any cases up to 1849, but since the Act of 1849 there is not a single case supporting it. And it comes to this, that valuable as the opinion of these writers would be, it would, in the absence of authority, be a matter of opinion only, and not of law. Now, as to the existence of this rule, it is a curious fact that there is nothing to show that the attention of any of the text writers mentioned by Mr. De Gex was called to the 62nd section of the 6 Geo. 4, c. 16, when the rule which up to that time had been a rule of equity only became the subject of statutory enactment, from which it follows that the omission of the words "unless he be the petitioning creditor under a separate commission against one member of a firm" in the subsequent Act of 1849, is also not noticed. The only text writer who mentions this, is I believe, Mr. Shelford. Having gone fully into this question I do not consider myself at liberty to hold that, notwithstanding these express negative words in the Act, this rule in favour of the petitioning creditor still exists. It has been urged that it is competent for the court to do so, and the cases of *Hawkins* v. *Gathercole*, 6 De G. M. & G. 1, and the *Liverpool Borough Bank* v. *Turner*, 1 J. & H. 159, have been cited in support of the proposition. These cases are in my opinion widely different from a case like the present. *Hawkins* v. *Gathercole* was a question of construction of certain words, occurring in a particular section of an Act of Parliament. The court, after carefully going through the Act, came to the conclusion that the words used were not intended to apply to ecclesiastical but to lay rectories and tithes only. In the case of the *Liverpool Bank* v. *Turner*, the question was whether the omission of prohibitory words in the Merchant Shipping Act afforded any ground for holding that an equitable mortgage of a ship could be made. Prohibitory words were inserted in one Act, and when the present Act was passed these prohibitory words were not inserted, but the Act itself set forth the express mode in which the mortgage of a ship should be constituted, and the Vice-Chancellor (Wood), in an elaborate judgment which was affirmed by the Court of Appeal, came to the conclusion that, the Act of Parliament clearly showing how a mortgage was to be constituted, the mere omission of the prohibitory words as to an equitable mortgage afforded no ground for contending that an equitable mortgage of a ship could now be made.

In this particular Act of 1869, the words are negative and prohibitory, and I feel myself bound to hold on the construction of these words, that the rule which existed has in the wisdom of the Legislature been abrogated. With respect to this particular case I can hardly assume that the rule, if even held to be existing, could be applied to a case of this kind in which the petitioning creditor has sued out a separate commission against each of the two partners, one following the other within three days, the act of bankruptcy in one case being close upon the other. On the 23rd of April one of the partners committed an act of bankruptcy by leaving his dwelling-house. And the other committed an act of bankruptcy available for adjudication, which was taken advantage of by filing a petition for liquidation on the 26th of April. It is true that they could not prosecute that bankruptcy petition while the petition for liquidation was pending, but they took advantage of the act of bankruptcy. I find, on looking at the petition, it is simply "having filed a petition for liquidation." The act of bankruptcy of the other partner was on the 23rd, but they did not file a petition against Von Hafen until the 4th of May, at which time they had a clear act of bankruptcy against Pasley.

Under these circumstances the application by the petitioning creditor to prove against the separate estate of Von Hafen must be refused.

Solicitors for the appellant, *Lawrance & Co.*
Solicitor for the respondent, *W. A. Crump.*

Law Students' Journal.

CALLS TO THE BAR.

The following gentlemen were on Tuesday called to the Bar:—

Lincoln's-inn.—James Wilson, late of Caius College, Cambridge; Henry Howard Batten; Frederick William Stone, M.A., B.C.L., Oxford; Charles Clavell Hore; John Allen Mylrea, LL.B., University of London; Walter Hayward Peel, Trinity College, Cambridge; John Geldard, B.A., Cambridge; Samuel Arthur Sampson, LL.B., Cambridge; Harry Inglis Richmond, B.A., Oxford; Alfred Edmund Packe, B.A., Oxford; Charles Albert Janson, B.A., Oxford; William Manning Harris, M.A., Cambridge, Fellow of King's College; William Henry Dyer; Cumberland Henry Woodruff, B.A., S.C.L., Oxford; Ashley Henry

Maude; Thomas Lennox Irwin; John Alderson Foote, B.A., Cambridge (holder of Studentship in Jurisprudence and Roman Civil Law, from the Council of Legal Education, Hilary Term, 1874); Charles Henry Witts Woodroffe, B.A., Cambridge; and Andrew Lyon, of the University of Edinburgh and of the Bombay Civil Service, Esqs.

INNER TEMPLE.—Douglas Moffat, M.A., B.C.L., Oxford; Stephen Newcome Fox, B.A., Oxford; Henry Maynard Mills, M.A., Oxford; William Marshall Venning, B.A., Oxford; Charles Marriott, M.A., Oxford; Edgar Broome Cope, Oxford; Francis Hallett Hardcastle, B.A., Cambridge; Sydney Philip Nicholls, B.A., Oxford; John Marshall Dugdale, B.A., Oxford; John Bevill Fortescue, B.A., Oxford; the Hon. Reginald Gilbert Murray Talbot, LL.B., Cambridge; William Baker, B.A., Dublin; the Hon. Francis Parker, B.A., Oxford; Aretas Akers, Oxford; William Reith, M.A., Cambridge; John Tennant, M.A., Cambridge; William Charles Higgins, B.A., Oxford; John Joseph Bickersteth, B.A., Oxford; William Peregrine Propert, M.A., LL.M., Cambridge; John Cumming, B.A., Cambridge; Arthur George Rickards, B.A., Oxford; Samuel Haughton Graves, B.A., Cambridge; Horace Edmund Avory, LL.B., Cambridge; William Blake Johnson, M.A., LL.M., Cambridge; William Eaton Young, B.A., B.C.L., Oxford; William Houston Boswall, B.A., Cambridge; Alfred Dobson; Herbert Percival, LL.B., Cambridge; Henry Cooke, B.A., Cambridge; James Kinder Bradbury, B.A., Cambridge; and Douglas Metcalfe Metcalfe, Esqs.

MIDDLE TEMPLE.—Samuel Thomas Stanislaus Richardson, B.A., Trinity College, Dublin, and of the Irish Bar; Arthur Rankine Blackwood, B.A., Balliol College, Oxford; Francis Frederick Handley; Henry Priestley, University of London; Prince Mahomed Wuhiduddin; John Yonge Anderson Morshead, University College, Oxford; Louis Pitman Russell, B.A., Trinity College, Oxford; Richard Barry O'Brien, of the Irish Bar; George St. Leger Daniels; John William Gustavus Leo Daugars, B.A., St. Alban Hall, Oxford (holder of a Studentship in Roman Civil Law, from the Council of Legal Education); James Knighton, University of London; Pramatha Natha Mittra; David Law; Allan Gilmour, LL.B., Trinity Hall, Cambridge; and Arthur Becher Ellicott, B.A., Trinity College, Cambridge, Esqs.

GRAY'S-INN.—Edward Dicey, B.A., Trinity College, Cambridge, Esq.

Court Papers.

CHANCERY FUNDS RULES.

NOTICE TO SOLICITORS.

The attention of solicitors is requested to the regulations as to the printing of orders to be acted upon by the Chancery Paymaster contained in the Chancery Funds Consolidated Rules, 1874, rules 15 to 20 inclusive.

In settling the written drafts and proofs in print of all such orders, solicitors are requested to be particularly careful that the names of persons are correctly spelt and legibly written at length, and that all sums, dates, and figures are correctly stated, as greater care is requisite with printed than written orders.

Attention is also requested to the registrar's regulations of the 15th day of March, 1860, published in Mr. Morgan's edition of the General Orders, as to the evidence and other documents required to be left with the registrar on bespeaking orders; especially the Chancery Paymaster's certificate of the fund to be dealt with, without which no such draft can be prepared. The Paymaster on the request of the registrar will issue a certificate for any past date.

Probates, letters of administration, briefs of respondents and defendants (if not previously left), must be produced to the registrar on settling the draft.

Solicitors will observe that under rule 19 any number of copies of printed orders may be supplied, according to the requirements of the case, but they should notice *that such copies must be bespoken before the proof or revise is returned for press*, and that under the arrangement with the printers the type will not be kept standing after the number of copies ordered by the registrar has been struck off, unless by his special directions to the printers.

The fees payable for such printed copies are regulated by the General Order of the 22nd of December, 1874, made under the 32 & 33 Vict. c. 91, and the schedule to that order; and they are at the rates of one penny per folio for plain copies, and fourpence per folio for office or certified copies.

It is believed that it will be found convenient to solicitors to obtain printed office copies, and several printed plain copies, of most orders.

By order 19 of the Chancery Funds Amended Orders, solicitors will be entitled to charge the same fees for printed copies of orders as they are now entitled to charge for written copies.

Both the office copies and the plain copies will be issued from the Report Office.

18th of January, 1875.

Chancery Registrars' Office.

R. H. LEACH,
Senior Registrar.

HOUSE OF LORDS.

The following is a list of the causes, &c., now standing for hearing and decision, viz.:—Morgan and Another v. La Rivière (Ch., E.)—Dawkins v. Lord Rokeby (in error) (Ex. Ch., E.) (the common law judges to attend)—Pickering (pauper) v. James (official liquidator of the International Contract Company, Limited) (Ch., E.)—Fulton and Others v. Andrew and Another (Prob., E.)—Webber v. Adams and Others (Ex. Ch., I.) (the common law judges to attend)—Nickalls v. Merry (Ch., E.)—David Lloyd & Co. v. Laurie (S.)—Yates v. University College, London, and Another (Ch., E.)—Fraser v. Lord Lovat *et è contrà* (S.)—Miller v. Finlay and Others (S.)—Barr and Another v. Cooper and Others (S.)—The Lord Advocate v. the Clyde Steam Navigation Company and Others (S.)—Martineau and Others v. Briggs and Others (Ch., E.)—Wilcock v. Noble and Others (Ch., E.)—Arcedeckne v. The Hon. H. Howard and Another (Ch., E.)—The Mayor of London, as Governor of St. Thomas's Hospital, v. Stratton and Others (in error) (Ex. Ch., E.)—Sir H. Meux, Bart., and Others v. Jacobs (Ch., E.)—Shropshire Union Railways and Canal Company v. The Queen (in error) (Ex. Ch., E.)—Symington v. Symington (S.)—Lancashire and Yorkshire Railway Company v. Gidlow (in error) (Ex. Ch., E.)—Hamilton v. William Dixon and Others (S.)—Kirk and Another v. Smith and Others (in error) (Ex. Ch., E.)—M'Donald v. M'Donald and Others, ex parte (S.)—Llanelly Railway and Dock Company v. London and North-Western Railway Company (Ch., E.).

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Jan. 29, 1875.

3 per Cent. Consols, 92¾	Annuities, April, '85, 9½
Ditto for Account, Feb. 92¾	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced, 92⅞	Ex Bills, £1000, 2½ per Ct. 1 dis.
New 3 per Cent., 92⅞	Ditto, £500, Do 1 dis.
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 1 dis.
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 5 per Ct. (last half-year), 256
Do. 5 per Cent., Jan. '73	Ditto for Account.
Annuities, Jan. '80 —	

RAILWAY STOCK.

	Railways.	Paid.	Closing Price.
Stock	Bristol and Exeter	100	116
Stock	Caledonian	100	99⅞
Stock	Glasgow and South-Western	100	98½
Stock	Great Eastern Ordinary Stock	100	41¼
Stock	Great Northern	100	139
Stock	Do., A Stock*	100	158½
Stock	Great Southern and Western of Ireland	100	109
Stock	Great Western—Original	100	169
Stock	Lancashire and Yorkshire	100	143
Stock	London, Brighton, and South Coast	100	94 x d
Stock	London, Chatham, and Dover	100	23¼
Stock	London and North-Western	100	151
Stock	London and South Western	100	116½
Stock	Manchester, Sheffield, and Lincoln	100	72¼ x d
Stock	Metropolitan	100	80
Stock	Do., District	100	32½
Stock	Midland	100	139½
Stock	North British	100	69½
Stock	North Eastern	100	167½
Stock	North London	100	113
Stock	North Staffordshire	100	65
Stock	South Devon	100	89
Stock	South-Eastern	100	113½ x d

* A receives no dividend until 6 per cent. has been paid to B.

INDIAN GOVERNMENT SECURITIES.

Ditto 5 per Cent., July, '80, 168½	Ditto, 5½ per Cnt., May, '78 101½
Ditto for Account.—	Ditto Debentures, 4 per Cent, April, '64
Ditto 4 per Cent., Oct' 88, 105	Do. Do. 5 per Cent., Aug. '73
Ditto, ditto, Certificates—	Do. Bonds, 4 per Cent. £1000
Ditto Enfaced Ppr., 4 per Cent. 94	Ditto, ditto, under £1000
Ind. Enf. Pr., 5 p C., Jan. '72	

MONEY MARKET AND CITY INTELLIGENCE.

The Bank rate was lowered on Thursday from 4 per cent. to 3 per cent. The proportion of reserve to liabilities has risen from 47⅜ per cent. to 50 per cent. It is stated that only once since December, 1873, has the proportion been so high. The home railway market has been steady, and prices have risen. The foreign market has also rallied, and prices have been firm. Consols closed on Thursday 92⅝ to ¾ for money, and 92¾ to ⅞ for the account.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

DOUGLAS—On Jan. 20, at 2, Pembroke-cottages, Kensington, the wife of Alfred A. Douglas, Esq., barrister-at-law, of a son.

KEY—On Jan. 22, at Willesden, the wife of Richard William Key, Esq., barrister-at-law, of a daughter.

ROBINSON—On Jan. 27, at 22, Cambridge-square, the wife of W. F. Robinson, Esq., barrister-at-law, of a daughter.

MARRIAGES.

LOCK—JACOBS—On Jan. 9, at St. David's, Exeter, Arthur Henry Lock, of Dorchester, solicitor, to Emma Mary, daughter of the late William Jacobs.

STEWART—SAWYER—On Jan. 21, at Christ Church, Lancaster-gate, Alan Stewart, of the Middle Temple, barrister-at-law, to Emily Louisa, youngest daughter of the late J. J. Sawyer, Esq., of Halifax, Nova Scotia.

DEATHS.

GALSWORTHY—On Jan. 20, at Carr-street, Ipswich, Robert Galsworthy, Esq., solicitor, aged 69 years.

GRAY—On Jan. 22, at 16, Gloucester-road, Regent's-park, John Gray, Esq., Q.C., the Solicitor to the Treasury, in his 68th year.

HASLEWOOD—On Jan. 24, at Bridgnorth, Shropshire, Edward William Haslewood, solicitor, aged 55 years.

RIXON—On Jan. 24, at 14, Hardwick-road, Eastbourne, Sussex, William Rixon, formerly of 32, Gordon-square, solicitor, in the 74th year of his age.

LONDON GAZETTES.

Professional Partnerships Dissolved.

TUESDAY, Jan 26, 1875.

Johnston, James, and Frederick Jackson, Attorneys at Law, Solicitors, and Conveyancers, Chancery lane, Middlesex. Dec 31

Winding up of Joint Stock Companies.

TUESDAY, Jan. 19, 1875.

UNLIMITED IN CHANCERY.

Mutual Society Trust Fund.—Petition for winding up, presented Jan 13, directed to be heard before V.C. Malins, on Jan 29. Miller, King st, Cheapside, solicitor for the petitioners.

LIMITED IN CHANCERY.

Catherine and Jane Lead Mining Company, Limited.—Petition for winding up, presented Jan 14, directed to be heard before the M.R. on Jan 30. Watson and Sons, Bouverie st, Fleet st, solicitors for the petitioner.

FRIDAY, Jan. 22, 1875.

LIMITED IN CHANCERY.

Battersea Foundry and Horse Shoe Works, Limited.—Petition for winding up, presented Jan 22, directed to be heard before the M. R., on Jan 30. Busby, Mark lane, solicitor for the petitioner.

Bream Iron Mining Company, Limited.—By an order made by the M.R. dated Jan 14, it was ordered that the above company be wound up. Smyth, Rochester row, Westminster, solicitor for the petitioner.

Hart's Pure Whole Meal Bread and Biscuit Company, Limited.—Petition for winding up, presented Jan 21, directed to be heard befor e the M.R., on Jan 30. Taylor and Son, Field court, Gray's inn, solicitors for the petitioner.

TUESDAY, Jan. 26, 1875.

LIMITED IN CHANCERY.

Dando and Company, Limited.—By an order made by the M.R., dated Jan 16, it was ordered that the voluntary winding up of the above company be continued. Mayhew, solicitor for the petitioners.

Ipswich Public Hall Company, Limited.—By an order made by the M.R, dated Jan 16, it was ordered that the above company be wound up. Bromley, Bedford row, agent for Notcutt and Son, Ipswich, solicitors for the petitioners.

Llangennech Collieries Company, Limited.— By an order made by the M.R., dated Jan 16, it was ordered that the voluntary winding up of the above company be continued. Newman and Co, Cornhill, solicitors for the petitioners.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Jan. 22, 1875.

Bell, John, Aspatria, Cumberland, Spirit Merchant. Feb 15. Sparkv Kirkhaugh, V.C. Bacon. Hayton and Simpson, Cockermouth

Cliff, William, Spital square, Shoreditch, Silk Manufacturer. Feb 4. Cliff v Cliff, V.C. Hall. Gellatly, Lombard court, Gracechurch st

Frinneby, Frederick Alexander. Cannon st, Bristle Merchant. Feb 22. Moses v Martineau, M.R. Walker, King's rd, Gray's inn

Gent, John, Cambridge, Shopkeeper. Feb 20. Payne v Reed, V.C. Bacon. Grain, Cambridge

Goodair, John, Lancashire, Cotton Manufacturer. Feb 20. Goodair v Ascroft, V.C. Hall. Ascroft, Preston

Hendy, Charlotte, Stratford, Essex. March 3. Alden v Hendy, V.C. Hall. Rice, Lincoln's inn fields

Lovel, William, Norton Malton, York. Feb 15. Lovel v Lovel, V.C. Malins. Steel, Sunderland

Owen, Griffith, Vronaig Llanaber, Merioneth, Master Mariner. Feb 16. Griffith v Owen, V.C. Malins. Ryland, Lincoln's inn fields

Rudduck, Samuel, Wilmot st, Bethnal Green rd, Warehouseman. Feb 11. Rudduck v Ruddnck, V.C. Malins. Gard, Gresham buildings, Basinghall st

Tellwright, Anne, Nottingham, Milliner. March 1. Thomson v Tellwright, V.C. Malins. Summerhays, Gresham House, Old Broad st

TUESDAY, Jan. 26, 1875.

Eaton, Robert, jun, Gent, and Mary Ann Eaton, Chelmsford, Essex. Feb 26. Eaton v Trussel, M.R. Nicholson and Co, Lime st

Hall, Charles Smith, Sunderland, Durham, Joiner. Hall v Hall, V.C. Hall. Hall, Sunderland

Malpas, Emma Susanna, Nottingham. Feb 23. Tucker v Tucker, V.C. Bacon. Beaumont, Nottingham

Waller, Arthur, Aberdeen park, Highbury, Esq. March 1. Waller v Waller, V.C. Hall. Gush, Finsbury circus

West, Hannah Elizabeth, Hessle, York. March 6. Champney v Davy, V.C. Hall. Champney, Kingston-upon-Hull

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Jan. 19, 1875.

Adam, John, Battersea rise, Wandsworth rd, Broker. March 1. Hollams and Co, Mincing lane

Campsie, George Richard, Overstone rd, Hammersmith, Retired Major. Feb 28. Harting and Sons, Lincoln's inn fields

Colquhoun, Archibald, Forest gate, Essex, Gent. March 1. Hillearys, Fenchurch buildings

Davenport, Edward Gresham, Lancaster gate, Hyde park, Esq., M.P. March 1. Mason, Gresham st

Dillon, Elizabeth, Tyndale place, Islington. March 1. Johnson, Gray's inn square

Dippie, Eliza Mary, Huntington, Yorkshire. March 7. Wilkinson, York

Duppa, Baldwin Francis, Hollingbourne, Kent, Esq. March 2. Meynell and Pemberton, Whitehall place

Elderton, Frances Mary, Wandsworth rd. Feb 16. Pead, Parliament st, Westminster

Elliott, William, Newcastle-upon-Tyne, Brewer. Feb 13. Hopper, Newcastle-upon-Tyne

Evans, Herbert Edward, Lantwit Juxta-Neath, Glamorgan, Barrister at Law. Feb 28. Curtis, Neath

Gwyer, Arthur, Dixon st, Limehouse, Clerk. Feb 1. Brooks, Cornhill

Hannam, Josiah, Gillingham, Dorset, Silk Throwster. April 1. Slade and Co, Yeovil

Head, Caroline, Shalford, Surrey. March 13. Blackmore and Son, Alresford

Huntriss, John Rhodes, Dudley, Worcester, Veterinary Surgeon. March 31. Stokes, Dudley

Key, Thomas, Upper Tulse Hill house, Surrey, Esq. March 8. Bell and Co, Bow Church yard

Kidd, David, Fleet st, Stationer. March 1. Farrar and Farrar, Ward robe place, Doctors' commons

Kingston, William, Baltonsborough, Somerset, Yeoman. March 1. Dyne, Burton

Klockman, Adolphus, Austinfriars passage, Esq. March 25. Druce and Co, Billiter square

Lewis, Adolphus John, Swan buildings, Moorgate st, Printer. Feb 27. Talbot and Tasker, Bedford row

Lyall, Robert, Tenterden st, Hanover square, Esq. Feb 19. Warry and Co, Lincoln's inn fields

Mullens, William Herbert, Teddington, Middlesex, Esq. March 1. Lowless and Co, Martin's lane, Cannon st

Phillips, Philip, Edgbaston, Birmingham. Feb 15. Griffin, Birmingham

Reeves, George, Pope's Head alley, Licensed Victualler. March 1. Plews and Irvine, Mark lane

Ring, George, Cornwall rd, Brixton, Licensed Victualler. March 1. Wilkinson and Drew, Bermondsey st

Robinson, Alfred, Old st, St Luke's, Gent. Feb 14. Marlow, Manchester

Rothwell, John, Bury, Lancashire, Cotton Spinner. Feb 16. Whitehead and Co, Bury

Savage, Sarah Charlotte, West Malling, Kent. March 2. Meynell and Pemberton, Whitehall place

Scott, John Hampshire, Highbarton, Yorkshire, Farmer. April 30. Robinson and Johnson

Swain, Thomas, Birmingham, Surgeon. Feb 28. Goodbehere, Birmingham

Tozer, Richard, Topsham, Devon, Gent. March 1. Geare and Co, Exeter

Underwood, William, Watford, Northampton, Farmer. Feb 22. Becke and Green, Northampton

Werge, Fanny Howey, Torquay, Devon. Feb 16. Stanton and Atkinson, Newcastle-upon-Tyne
Williams, Mary Anne Handford, Weston, near Bath. March 25. Rees and Co. Chowell
Wilkis, Frances Elizabeth, Preston, Lancashire. Feb 28. Farrar and Co, Lincoln's inn fields

FRIDAY, Jan. 22, 1875.

Baker, Walter Alexander, Bexhill, Sussex, Gent. March 1. Sawbridge, Milk st, Cheapside
Burrell, William Durrant, Chelmsford, Essex, Bookseller. Feb 27. Gepp and Sons, Chelmsford
Comley, John Wardle, Chase Side, Enfield, Gent. Jan 31. Sherring, Lincoln's inn fields
Dobson, George Clarisse, Eardley crescent, West Brompton, Civil Engineer. March 1. Johnson, Lincoln's inn fields
Douglas, Mary Nicol, Winchester, Southampton. March 1. Barn, Gresham st
Edwards, Charles Thomas, Upper Clapton, Esq. March 31. Sheffield and Sons, Lime st
Eldridge, Henrietta Fanny, Cheltenham, Gloucester. March 1. Palmer, Cheltenham
Fletcher, John, Warley, Halifax, York, Gent. March 1. Norris and Co, Halifax
Foster, Thomas, Atkinson rd, Clapham park. March 1. Sawbridge, Milk st, Cheapside
Godman, Joseph, Park Hatch, Surrey, Esq. March 1. Sowton, Bedford row
Hinchliff, James, Beresford rd, Highbury New park, Gent. March 5. Haycock, College hill, Cannon st
Jones, Edward Harold, Newtown, Montgomery, Wine and Spirit Merchant. March 25. Woosnam and Talbot, Newtown
Jones, Roger Lyon, Liverpool, Esq. April 30. Whitley and Maddock, Liverpool
Kadwell, William, Kesron, Kent, Boot and Shoe Maker. Feb 6. Bevan and Whitting, Old Jewry
King, Samuel, King's rd, Camden Town. April 1. Carter, Austin friars
Latimer, Fitz Henry, Bishopgate without, Boot Maker. March 1. Noon and Tiddeman, Blomfield st
Lennard, Charles Edward Barrett, Brighton, Sussex. March 1. Western and Sims, Essex st, Strand
Mansfield, Margaret, Central hill, Upper Norwood. March 31. Crawley and Arnold, Whitehall place
Mason, Rev John, Brignall Rectory, Barnard Castle, York. Feb 21. Walker, Southampton st, Bloomsbury
Miller, Adye Wallet, Samuel st, Woolwich. March 1. Flower and Nussey, Great Winchester st buildings
Oram, William Henry, Ryde, Isle of Wight, Esq. March 18. Crawley and Arnold, Whitehall place
Ormerod, Hannah Turner, Rawtenstall, Lancashire. March 24. Woodcock, Bury
Pigott, Henry. Greenheys, Manchester, Commission Agent. Feb 23. Sale and Co, Manchester
Pike, Jane Elizabeth, Wellow terrace, Blurton rd, Clapton. March 1. Labrow and Woodbridge, Mitre court chambers, Temple
Rashleigh, Rev George Cumming, Hamble, Southampton. March 15. Wooldridge and Son, Winchester
Ratcliff, Sarah, Eastwood, Nottingham. March 13. Burton and Co, Nottingham
Robinson, William, Fradley, Staffordshire, Farmer. Feb 27. Barnes and Russell, Litchfield
Russell, James, Duke st, Piccadilly, Esq. March 6. Steele, Cook's court, Lincoln's inn
Salvin, Elizabeth Mary, Whitmore House, nr Guildford, Surrey. March 15. Ward and Co, Gray's inn square
Seal, John, Lee, Kent, Dairyman. Feb 20. Soard and Son, Gracechurch st
Smith, William, Bridge rd, Hammersmith, Gent. Feb 27. Watson and Sons, Bridge rd, Hammersmith
Speed, Louisa, Burton rd, Brixton. April 2. Dommett, Gutter lane, Cheapside
Stannard, Robert, jun, Colchester, Essex, Miller. March 6. Philbrick and Middleton, Colchester
Syms, Emma Richardson, Minories. March 1. Marsh, Fen court, Fenchurch st
Taylor, Joe, Huddersfield, York, Rate Collector. May 1. Bottomley, Huddersfield
Tomlinson, John, Nottingham, Gent. Feb 20. Rooks and Co, King st, Cheapside
Uren, Stephen, Parkside, Knightsbridge, Bootmaker. March 1. Noon and Tiddeman, Blomfield st
Ward, Martha, Chester. March 13. Duncan and Pritchard, Chester
White, Joseph, Borough High st, Licensed Victualler. Feb 25. Rhodes, Church court, Clement's lane
Wilson, John, Coalmoor, Salop, Farmer. Feb 15. Potts, Brosely
Wrigley, Caroline, Southport, Lancashire. Feb 27. Darnton and Bottomley, Ashton-under-Lyne

Bankrupts.

FRIDAY, Jan. 22, 1875.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Foulton, Joseph William, and Thomas James Cotter, Wood st square, Warehousemen. Pet Jan 20. Spring-Rice. Feb 4 at 1
Saks, Isaac, Houndsditch, Wax Match Importer. Pet Jan 18. Spring-Rice. Feb 4 at 12
Shaller, Robert, Clerkenwell green, Carrier. Pet Jan 19. Hazlitt. Feb 3 at 11.30
Wildes, George Henry, Lowndes square, Gent. Pet Dec 18. Murray. Feb 9 at 11

To Surrender in the Country.

Bond, Shem Kenny, Hertford, Baker. Pet Jan 16. Spence. Hertford, Feb 6 at 11
Caranbrea, Nicolaos D , Manchester, Merchant. Pet Jan 18. Lister. Manchester, Feb 4 at 9.30
Cragg, Robert, Carr Colston, Nottingham, Nurseryman. Pet Jan 14. Patchitt. Nottingham, Feb 15 at 12
Johnson, John St John Stukeley, Newlyn, Cornwall, no occupation. Pet Jan 16. Chilcott. Truro, Feb 3 at 12
Longley, George, Maidenhead, Berks. Pet Dec 29. Darvill. Windsor, Feb 6 at 11
Palmer, Edward, Tenbury, Worcester, Maltster. Pet Jan 18. Talbot. Kidderminster, Feb 5 at 12

TUESDAY, Jan. 26, 1875.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Bell, James, High st, Wapping, Wharfinger. Pet Jan 21. Pepys. Feb 9 at 11
Orrom, Joseph Edward, and Jabez Bunting Quilter, Brixton rd, Boot Dealers. Pet Jan 21. Pepys. Feb 11 at 11

To Surrender in the Country.

Anderson, Alexander, Salford, Lancashire, Inquiry Agent. Pet Jan 15. Hulton. Salford, Feb 10 at 11
Appleby, G C , Leeds, Produce Merchant. Pet Jan 20. Marshall. Leeds, Feb 17 at 11
Beavan, John Lawrence, Shrewsbury, Salop, Corn Dealer. Pet Jan 22. Peele. Shrewsbury, Feb 6 at 11
Clifton, Charles, Nottingham, Wine Merchant. Pet Jan 21. Patchitt. Nottingham, Feb 15 at 12
Dicker, Alfred Cecil, West Moulsey, Surrey. Pet Jan 21. Bell. Kingston-on-Thames, Feb 11 at 3
Hardmeat, Charles, Saxlingham Nethergate, Norfolk, Farmer. Pet Jan 20. Cooke. Norwich, Feb 16 at 10
Lowry, William, Worthing, Sussex, Hotel Keeper. Pet Jan 22. Eversfield. Brighton, Feb 10 at 11
Shaw, Charles Nelson Isaac, Brighton, Sussex, Valuer. Pet Jan 21. Eversfield. Brighton, Feb 10 at 11
Weale, William Edward, Birmingham, Coal Merchant. Pet Jan 22. Chauntler. Birmingham, Feb 10 at 2

BANKRUPTCIES ANNULLED.

FRIDAY, Jan. 22, 1875.

Brown, Robert, Kelvedon, Essex, Miller. Jan 8
Mottley, Godfrey Augustus, Bow churchyard, Merchant. Jan 14
Minton, John, Mortlake, Surrey, Fishmonger. Jan 19
Ward, Benjamin, Cambridge, Baker. Jan 13

TUESDAY, Jan. 26, 1875.

Da Costa, Luiz Augusto, King st, Cheapside, Merchant. Jan 21
Sharpe, Richard, Oakham, Rutland, Coachbuilder. Jan 16

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Jan. 22, 1875.

Arnold, James, Birmingham, Dealer in Oil. Feb 2 at 3 at offices of Parry, Bennett's hill, Birmingham
Aspinall, Lumb, Goole, York, Railway Agent. Feb 4 at 11.30 at the Station Hotel, Knottingley. Banks, Selby
Atherton, William, Chorley, Lancashire, Power Loom Cloth Manufacturer. Feb 1 at 12 at the County Court Office, Mawdsley st, Bolton. Wilson, Chorley
Baker, William, Kirtley, Suffolk, Ship Smith. Feb 15 at 12 at offices of Seago, High st, Lowestoft
Barker, William, Hanley, Stafford, Tailor. Feb 1 at 3 at the Royal Hotel, Crewe. Shires, Leicester
Barlow, Henry, West Stockwith, Nottingham, Labourer. Feb 6 at 11 at offices of Jay, Bank st, Lincoln. Page, jun
Barnard, Charles, Salisbury terrace, Kilburn, Butcher. Feb 4 at 3 at offices of Cann, Fenchurch st
Bevills, Thomas, Cleator Moor, Cumberland, Innkeeper. Feb 5 at 11 at offices of Lamb and Howson, Queen st, Whitehaven
Birley, Arthur John, Ormskirk, Lancashire, Painter. Feb 4 at 2 at offices of Mather, Harrington st, Liverpool
Bisp, Henry, Birmingham, Haulier. Feb 8 at 3 at offices of Rowlands and Bagnall, Colmore row, Birmingham
Bown, Henry John, Melksham, Wilts, Innkeeper. Feb 8 at 12.30 at the King's Arms Hotel, Melksham. Stokes, Chippenham
Bowtell, Henry William, Elsenham, Essex, Horse Dealer. Feb 11 at 12 at offices of Baker, Bishop's Stortford
Bramidge, John, Walsall, Stafford, Seedsman. Feb 2 at 3 at offices of Glover, Park st, Walsall
Brennan, Martin, Bristol, Cabinet Maker. Jan 30 at 11 at offices of Williams, Bristol chambers, Nicholas lane, Bristol
Brown, James, Morecambe, Lancashire, Joiner. Feb 5 at 11 at offices of Clark and Oglethorpe, Church st, Lancashire
Browne, John, Lee, Kent, Builder. Feb 3 at 3 at offices of Bristow, London st, Greenwich
Burkill, Thomas, Haywood, York, Farmer. Feb 3 at 11 at the Angel Inn, Doncaster. Sourr, Hull
Caminada, Jean Baptiste, Newcastle-under-Lyme, Patent Medicine Vendor. Jan 29 at 3 at the Saracen's Head Hotel, Hanley. Stevenson, Hanley
Charles, Thomas, Adam st, Adelphi, Wine Dealer. Feb 4 at 2 at offices of Copp, Essex st, Strand
Cockill, George, Leeds, Milk Dealer. Feb 3 at 11 at offices of Harle, Victoria chambers, South parade, Leeds
Cole, Benjamin, Britonferry, Glamorgan, Builder. Feb 4 at 12 at offices of Cuthbertson and Taberville, Water st, Neath
Cottie, Abraham, Bristol, Bricklayer. Feb 4 at 12 at offices of Nunneley, Nicholas st, Bristol
Cullen, Charles, Northfleet, Kent, Commission Agent. Feb 6 at 2 at the New Falcon Hotel, Gravesend. Watson, Guildhall yard
Death, Alfred Timothy, Wymondham, Norfolk, Common Brewer. Feb 8 at 12 at the Castle Hotel, Castle meadow, Norwich. Feltham, Hingham
Denton, John, Hornsea, York, Stonemason. Feb 3 at 12 at offices of Eldridge, Cogan chambers, Bowlalley lane, Kingston-upon-Hull
Douse, James, Devizes, Wilts, Cattle Dealer. Feb 3 at 11 at offices of Randell, Exchange place, Devizes. Day, Devizes

Evans, John Samuel Hugh, Voryd, Denbigh, Timber Merchant. Feb 9 at 12 at the Queen Hotel, Chester. Gold and Co, Denbigh
Exley, John Canute, Scarborough, York. Bootmaker. Feb 3 at 11 at offices of Cornwall and Co, Queen st, Scarborough
Eyles, William Arthur, Semington Wharf, Melksham, Wilts, Coal Merchant. Feb 10 at 12 at the Castle Hotel, Northgate st, Bath.
Fishburn, Phillips and Son, Chippenham
William Henry, Leeds, Tailor. Feb 4 at 2 at offices of Simpson and Barrell, Albion st, Leeds
Foster, William, Dinas, Glamorgan, General Draper. Feb 1 at 1 at offices of Alexander Brothers, St Mary st, Cardiff. Cooke
Fraser, Alfred Simon, Lilford st, Camberwell, Clerk. Feb 4 at 1 at offices of Philpot, Guildhall chambers
Freeman, George, Suffolk, Maltster. Feb 16 at 12 at offices of Pollard, St Lawrence st, Ipswich
Goodfield, Joseph, Leeds, Tailor. Feb 5 at 3 at offices of Billinton, Oxford row, Leeds
Grav, Maria, Worthing, Sussex, Dealer in Toys. Feb 9 at 12 at offices of Green, Chapel rd, Worthing
Greenhalgh, Edward, Manchester, Bedding Manufacturer. Feb 15 at 3 at offices of Cobbett and Co, Brown st, Manchester
Hall, William, Ryde, Isle of Wight, Cook. Feb 2 at 12 at 65, George st, Ryde. Joyce
Hall, William Henry, Seymour place, Bryanston square, Coachmakers' Ironmonger. Feb 11 at 10 at offices of Deane and Co, South square, Gray's inn
Harding, Robert Taylor, Birmingham, Paper Box Maker. Feb 2 at 12 at offices of Saunders and Bradbury, Temple row, Birmingham
Hayward, Thomas, Cambridge st, Boot Manufacturer. Jan 28 at 2 at offices of Thwaites, Basinghall st. Parke, Coleman st
Heckels, David Scott, George Heckels, and John Morgan Heckels, North Shields, Northumberland, Engine Builders. Feb 4 at 12 at offices of Tinley and Co, Howard st, North Shields
Hewison, George, Husthwaite, York, Boot Maker. Feb 6 at 11 at offices of Crumbie, Stonegate, York
Hirst, Joseph, Rochdale, Lancashire, no occupation. Feb 8 at 11.30 at the King's Arms Inn, Yorkshire st, Oldham. Brierley
Horn, Henry John, Cambridge, Brewer. Feb 8 at 11 at offices of Ellison and Burrows, Alexandra st, Petty Cury, Cambridge
Hallahan, Richard Flemyng, Broncerig, Carnarvon, Civil Engineer. Feb 4 at 12 at offices of Allanson, Church st, Carnarvon
Halton, Thomas, Bolton, Lancashire, Railway Porter. Feb 8 at 11 at the Victoria Hotel, Hotel st, Bolton. Heald, Wigan
Jones, David, Newtown, Montgomery, Saddler. Feb 1 at 12 at offices of Williams and Gittins, The Bank, Newtown
Jones, Eliza Sherringt on, Brighton, Sussex, Lodging House Keeper. Feb 18 at 3 at offices of Black and Co, Ship st, Brighton
Jones, Morgan, Maryland rd, Paddington, and George Richards, Lang Fulford, Builders. Jan 30 at 3 at offices of Evans and Eagles, John st, Bedford row
Keyworth, Charles, Beaumaris, Anglesea, Captain. R. Ang. Mil. Feb 8 at 2 at offices of Barber and Hughes, Bangor
King, James, Gurney st, New Kent rd, Smith. Feb 5 at 2 at 3, Wansey st, Walworth rd
Kirk, Thomas, West Field, Nottingham, Commission Agent. Feb 8 at 11 at offices of Newton and Jones, East Retford
Lawman, George, Northampton, Baker. Feb 2 at 3.30 at offices of Becke, Market square, Northampton
Lee, Joseph, Upper st, Islington, Seedsman. Feb 4 at 1 at 7, Wilmington square. Lewis
Lewty, Thomas Weaver, Birkenhead, Cheshire, out of business. Feb 8 at 3 at offices of Barrell and Rodway, Lord st, Liverpool
Marks, Abraham Marks, Nicholl square, Cripplegate, Trimming Manufacturer. Feb 4 at 11 at offices of Sydney, Leadenhall st
Martin, George, jun, Abbey st, Bethnal green rd, Timber Merchant. Jan 30 at 2 at offices of Thwaites, Basinghall st. Parke, Coleman st
May, Albert John, William st, Hampstead rd, Builder. Feb 4 at 12 at the Green Dragon Hotel, Bishopsgate st within. Leverton, Bishopsgate st within
Millar, Joseph, Newcastle-upon-Tyne, Boot Maker. Feb 4 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne
Millward, George Thomas, Birmingham, Cabinet Manufacturer. Feb 3 at 10.15 at offices of East, Colmore row, Birmingham
Morley, William, Ashton-under-Lyne, Lancashire, Baker. Feb 3 at 3 at offices of Clayton, Warrington st, Ashton-under-Lyne
Morris, Charles James, Bristol, Confectioner. Feb 2 at 12 at offices of Benson and Thomas, Broad st, Bristol
Morton, Thomas, Upper Norfolk st, Bethnal green, Carman. Feb 10 at 3 at offices of Nind, St Benet place, Gracechurch st
Nicholls, Charles, Omberseley, Worcester, Baker. Feb 2 at 11 at offices of Corbett, Avenue House, The Cross, Worcester
Pearce, Henry, Twigworth, Gloucester, Farmer. Feb 4 at 3 at offices of Jones, Eldon chambers, Berkeley st, Gloucester
Pickin, James, Wolverhampton, Stafford, Boot Manufacturer. Feb 6 at 10.30 at offices of Stratton, Queen st, Wolverhampton
Poole, Matthew, Chertsey, Surrey, Baker. Feb 11 at 4 at the Crown Hotel, Chertsey. Marshall
Rees, George, Lampeter, Cardigan, Nurseryman. Jan 30 at 12 at offices of Green and Griffiths, St Mary st, Carmarthen
Richardson, John, Drummond crescent, Seymour st, Euston square Carpenter. Feb 1 at 10 at Wood's Hotel, Portugal st. Hope
Ross, Rev Charles Wellard, Greetham Rectory, nr Horncastle, Lincoln. Feb 4 at 1 at offices of Tweed, Horncastle
Rudd, Ann, Sudbury, Suffolk, Butcher. Feb 4 at 11 at the Anchor Hotel, Friars st, Sudbury. McAndrews
Ryder, George, Shelton, Stafford, Glass Maker. Jan 30 at 11 at offices of Tennant, Cheapside, Hanley
Scragg, Thomas, Tunstall, Staffor d, Printer. Feb 1 at 11 at offices of Salt High st, Tunstall
Shaw, William George, and John Hardaker, Bradford, York, Coal Merchants. Feb 5 at 11 at offices of Rhodes, Duke st, Bedford
Sidey, Alexander, Newcastle-upon-Tyne, Innkeeper. Feb 5 at 11 at offices of Johnston, Pilgrim st, Newcastle-upon-Tyne
Smith, Richard Clarke, Albany terrace, York rd, King's cross, Baker Feb 1 at 1 at offices of Adams, Serle st, Lincoln's inn. Rushleigh, St George's rd, Peckham
Snow, William, Sparkbrook, Warwick, Coal Dealer. Feb 5 at 12 at offices of Pointon, Edmund st, Birmingham
Tagne, Henry, Sevenoaks, Kent Boot Maker. Feb 5 at 3 at offices of Banks, Coleman st. Stopher, Coleman st
Tansell, James, Riverhead, Kent, Baker. Feb 3 at 11 at the Wheatsheaf Beerhouse, Riverhead. Palmer, Tunbridge
Taylor, James Frederick, Brighton, Sussex, Butcher. Feb 6 at 11 at offices of Goodman, Prince Albert st, Brighton
Thatcher, George, Tunstall, Stafford, out of business. Feb 11 at 11 at offices of Tennant, Cheapside, Hanley
Thompson, Samuel, Marlborough terrace, Upper Holloway, Grocer. Feb 4 at 2 at the Law Institution, Chancery lane. Greatorex
Thorne, Richard, Ilfracombe, Devon, Builder. Feb 11 at 3 at the King's Arms Hotel, Barnstaple. Fox, Ilfracombe
Tomlin, Alfred, Longworth, Berks, Machinist. Feb 3 at 12 at the Blue Boar Inn, Wantage. Kinneir and Tombs, Swindon, Wilts
Trood, Edward, Bristol, Cigar Dealer. Feb 11 at 2 at offices of Hancock and Co, Guildhall chambers, Broad st, Bristol. Brittan and Sons
Trueman, Samuel, Cotmanhay, Derby, Miner. Feb 4 at 11 at the Midland Hotel, Derby. Parsons, Nottingham
Trueman, William, Cotmanhay, Derby, Miner. Feb 4 at 12 at the Midland Hotel, Derby. Parsons, Nottingham
Tunstall, William, Knutsford, Cheshire, Draper. Feb 4 at 3 at offices of Hankinson, St James's square, Manchester
Ulyate, John, Southend, Essex, Bootmaker. Feb 8 at 2 at offices of Beard and Son, Basinghall st
Watson, Henry, Preston, Lancashire, Fruiterer. Feb 4 at 2 at offices of Edelston, Winckleyst, Preston
Webb, Thomas Stammers, Gracechurch st, Colliery Proprietor. Feb 3 at 2 at offices of Morley and Shirreff, Palmerston buildings, Old Broad st
Wells, Edward John, Wollaston, Worcester, Commission Agent. Feb 5 at 10 at offices of Prescott, High st, Stourbridge
Wright, George, Stowmarket, Suffolk, Cattle Dealer. Feb 13 at 3 at the Fox Inn, Stowmarket. Hill, Ipswich
Young, George Robert, Great Grimsby, Lincoln, Butcher. Feb 1 at 3 at offices of Chambers, Scale lane, Kingston-upon-Hull

TUESDAY, Jan. 26, 1875.

Algar, William, New Kent rd, Fruiterer. Feb 6 at 11 at the Masons Hall Tavern, Masons' avenue, Coleman st. Rigby, Beresford st, Camberwell
Arrowsmith, Emely, Bilston, Stafford, Boot Dealer. Feb 10 at 11 at offices of Fellows, Mount Pleasant, Bilston
Asbery, William Thomas, Dudley, Worcester, Grocer. Feb 8 at 11 at offices of Shakespeare, Church st, Oldbury
Bacmeister, Cornelius Hermann, and John Easten, jun, Mark lane, Commission Merchants. Feb 8 at 2 at offices of Cooper and Co, George st, Mansion House. Hollams and Co, Mincing lane
Baldwin, William, Bradford, York, Manufacturer. Feb 8 at 3 at offices of Atkinson, Tyrrel st, Bradford
Barnett, Edmund James, Healey st, Kentish Town, Bill Poster Feb 10 at 3 at offices of Berry and Co, Farringdon st
Bell, Philip, Sandhutton, York, Butcher. Feb 6 at 11 at offices of Swarbreck and Rhodes, Thirsk
Bentley, Thomas, Hebden bridge, York, Builder. Feb 10 at 11 at the White Hart Hotel, Todmorden. Eastwood, Todmorden
Blake, George, Erleigh, Sonning, Berks, Builder. Feb 8 at 11 at offices of Elkins, Forbury, Reading
Bolzani, William, Birmingham, out of business. Feb 6 at 12 at 30, Newhall st, Birmingham
Bowyer, Joseph, Hereford rd, Bayswater, Costumier. Feb 8 at 2 at offices of Hubbard, London Joint Stock Bank chambers, West Smithfield
Butterfield, Caroline, Gosberton, Lincoln, Grocer. Feb 5 at 12 at offices of Bonner and Co, Lincoln. Gaches, Peterborough
Bye, Edmund, Wirtemberg st, Clapham, Zinc Worker. Feb 9 at 2 at offices of Lovett, King William st, London bridge
Cartmell, Grace, Blackpool, Lancashire, Beerseller. Feb 12 at 11 at the Old Legs of Man Inn, Fishgate, Preston. Wheeler and Co, Blackburn
Chaulin, James, Birmingham, Licensed Victualler. Feb 4 at 12 at offices of Fallows, Cherry st, Birmingham
Cheshire, John, Orchard st, Portman square, Professor of Music. Feb 10 at 3 at offices of Lewis, Furnival's inn
Collingham, William, Shelf, nr Halifax, York, Coal Merchant. Feb 5 at 3 at offices of Mossman and Haley, Horton rd, Bradford
Corker, William, Lostock Gralam, Cheshire, Butcher. Feb 9 at 3 at offices of Cheshire and Son, Northwich
Cox, Joseph Downe, King st, West Hammersmith, Sewing Machine Agent. Feb 8 at 3 at the Blackwall Railway Hotel, London st. Rigby, Half Moon crescent, Islington
Craven, James, Bradford, York, Boot Manufacturer. Feb 6 at 10 at offices of Berry and Robinson, Charles st, Bradford
Cuthbertson, William, Sunderland, Durham, Eating House Keeper. Feb 8 at 4 at offices of Bell, Lambton st, Sunderland
Davidson, Robert, Liverpool, Draper. Feb 9 at 3 at offices of Barrell and Rodway, Lord st, Liverpool
Davis, George Henry, Harlesden green, Willesden, Stationer. Feb 9 at 2 at offices of Peace, Chancery lane
Dixon, John, Windy Edge Farm, nr Alnwick, Northumberland, Farmer. Feb 8 at 2 at offices of Bush, Nicholas buildings, Newcastle-upon-Tyne
Edwards, William, jun, Long lane, Bermondsey, Hat Manufacturer. Feb 19 at 2 at offices of Nash and Co, Queen st, Cheapside
Evans, David, Trehserbert, Glamorgan, Grocer. Feb 13 at 2 at the Cardiff Arms Hotel, Angel st, Cardiff. Hollier and Williams, Pontypridd
Gee, John Henry, Manchester, Hotel Proprietor. Feb 10 at 3 at offices of Fox, Princess st, Manchester
Gerrard, Hamilton, Birmingham, Draper. Feb 8 at 4 at offices of Parry, Bennett's hill, Birmingham
Giles, James, Little Houghton, Northampton, Market Gardener. Feb 5 at 11 at offices of Jeffery, Market square, Northampton
Green, John, Aylesbury, Buckingham, Coal Merchant. Feb 9 at 2 at offices of Reader, Gray's inn square
Gregory, Thomas, Meyrick rd, Clapham Junction, Builder. Feb 8 at 12 at the Hop and Malt Exchange, Southwark st, Borough. Arnold
Grellier, Brice, Studley rd, Clapham rd, out of business. Feb 6 at 2 at offices of Crowther, Queen st, Cheapside
Hallifax, Alfred, Bromham, Bedford, Baker. Feb 8 at 3 at offices of Stimson, Mill st, Bedford

Hare, Philip Harris, Holborn, Hosier. Feb 13 at 12 at the Guildhall Tavern, Gresham st

Heaven, Edward Stephen, Exeter, out of business. Feb 4 at 11 at offices of Toby, Castle st, Exeter

Hind, John, Hartlepool, Durham, Innkeeper. Feb 10 at 11 at offices of Trotter, High st, Stockton-on-Tees

Hirst, Abraham, Golcar, Huddersfield, York, Fancy Cloth Manufacturer. Feb 8 at 3 at offices of Ramsden and Sykes, John William st, Huddersfield

Hodgson, Henry, Preston, Lancashire, Flock Bed Manufacturer. Feb 5 at 11 at offices of Taylor, Winckley st, Preston

Hull, Fleetwood, Nottingham, Draper. Feb 10 at 12 at offices of Heath, St Peter's church walk, Nottingham

Humin, Joseph, Cambridge, Underporter. Feb 11 at 12 at 2, Post Office terrace, Cambridge

Huntley, Matthew, South Shields, Durham, Draper. Feb 11 at 12 at offices of Hannah, Clayton st, Newcastle-on-Tyne. Tinley and Co, North Shields

Jones, Samuel, and Edom Jones, Bilston, Stafford, Fruit Merchants. Feb 6 at 11 at offices of Barrow, Queen st, Wolverhampton

Jones, Taliesin Thomas, Llandovery, Carmarthen, Minister of the Gospel. Feb 6 at 1 at offices of Green and Griffiths, St Mary st, Carmarthen

Keeling, Alfred, Luton, Bedford, Builder. Feb 10 at 11 at the Midland Hotel, Manchester st, Luton. Neve, Luton

Kershaw, Thomas, Halifax, York, Worsted Spinner. Feb 5 at 11 at offices of Wavell and Co, George st, Halifax

Kirkpatrick, James, Abbey rd, St John's wood, out of business. Feb 10 at 10 at 252, Marylebone rd. Sampson

Lambert, Miles, Liverpool, Tailor. Feb 16 at 3 at offices of Ritson, Dale st, Liverpool

Lee, Thomas Alder, Falcon terrace, Kilburn, Solicitor. Feb 6 at 2 at offices of Hoopar, Newgate st

Light, Walter Arthur George, West Hartlepool, Durham, Blacksmith. Feb 8 at 12 at 13, Church st, West Hartlepool. Chamberlin

Martin, Philip Stuart Feake, Rawcliffe paddocks, York, Gent. Feb 11 at 2 at Holliday's Station Hotel, York. Newborn, Epworth, Rotherham

Martin, William, and Edmund Latimer, Cannon st, Mantle Manufacturers. Feb 9 at 12 at the Guildhall Tavern, Gresham st. Philpott

Maurice, Mority, Manchester, Wine Merchant. Feb 9 at 3 at the Clarence Hotel, Spring gardens, Manchester. Grundy, Bolton

Maxwell, William, jun, Greatham, Durham, Farmer. Feb 12 at 3 at offices of Bell, Church st, West Hartlepool

McLaren, David, Sunderland, Durham, Bookseller. Feb 8 at 3 at offices of Bell, Lambton st, Sunderland

Morphew, Charles, Dockley rd, Rousl rd, Bermondsey, out of employment. Feb 11 at 11 at offices of Nind, St Benet place, Gracechurch st

Myers, Will, and Joseph Lumb, Dewsbury, York, Joiners. Feb 12 at 11 at offices of Walker, Dewsbury

Palin, James, Welbourn, Lincoln, Farmer. Feb 6 at 11 at offices of Page, jun, Lincoln

Palmer, George, Luton, Bedford, Builder. Feb 5 at the Midland Hotel, Luton, in lieu of the place originally named

Parsons, Henry, Kentish Town rd, Builder. Feb 6 at 12 at the London Tavern, Bishopsgate st within. Harris, London wall

Pearson, Samuel, Birmingham, Cut Nail Maker. Feb 22 at 3 at offices of Taylor, Waterloo st, Birmingham

Pedley, Matthew, and David Pedley, Bradford, York, Stuff Manufacturers. Feb 6 at 10 at offices of Wood and Killick, Commercial Bank buildings, Bradford

Perks, Clondersley Edward, Hitchin, Hereford, Wholesale Perfumer. Feb 10 at 1 at 1, Mitre court, Temple. Wade and Co, Hitchin

Pheby, George Trevelyan, Southampton, Schoolmaster. Feb 6 at 12 at offices of Guy, Albion terrace, Southampton

Phillips, Charles, Templecombe, Somerset, Yeoman. Feb 6 at 12.30 at offices of Davies, Abbey, Sherborne

Plater, Charles, Sudbury, Middlesex, Brickmaker. Feb 5 at 1 at 8, Abercorn villas, Sudbury. Heath and Parker, St Helen's place

Rackham, Job, Norwich, Timber Merchant. Feb 5 at 12 at offices of Taylor and Sons, Old Bank buildings, King st, Norwich

Rhoades, George, Market Rasen, Lincoln, Telegraph Clerk. Feb 8 at 11 at offices of Rhodes and Sons, Market Rasen

Roper, Thomas, Birmingham, out of business. Feb 11 at 11 at offices of Fallows, Cherry st, Birmingham

Spedding, Margaret, Birstal, York, Grocer. Feb 8 at 3 at offices of Scholefield and Taylor, Brunswick st, Batley

Stokes, Jonathan, Hemingbrough, York, Tailor. Feb 11 at 12 at offices of Weddall and Parker, Selby

Stout, George, Cambridge rd, Mile End, China Dealer. Feb 5 at 12 at offices of Child, South square, Gray's inn

Straughan, Joseph, Shilbottle, Northumberland, Farmer. Feb 6 at 2 at offices of Middlemas, Bondgate Without, Alnwick

Tebbut, Samuel, Wimbledon, Surrey, Licensed Victualler. Feb 9 at 3 at offices of Sherrard, Lincoln's inn fields

Townsend, Charles, Stonehouse, Gloucester, Innkeeper. Feb 8 at 1 at offices of Smith, Regent st, Cheltenham

Van Minden, Joe Solomon, St Mary Axe, Commission Merchant. Feb 5 at 3 at offices of Edmands, Poultry

Verity, Richard, Warwick st, Regent st, Chemist. Feb 5 at 3 at offices of Geoghegan, Lincoln's inn fields

Walter, James, and John McGregor, Barron's place, Waterloo rd, Box Makers. Feb 4 at 3 at offices of Hicklin and Washington, Trinity square, Southwark

Ward, Walter, Barnsley, York, Seed Merchant. Feb 13 at 11 at the Coach and Horses Hotel, Barnsley. Freeman

Watson, John, and William Henry Watson, Newcastle-upon-Tyne, Tailors. Feb 8 at 12 at offices of Story, Pilgrim st, Newcastle-upon-Tyne

White, William, Oldbury, Worcester, Shopkeeper. Feb 15 at 11 at offices of Bache, Paradise st, West Bromwich

Whitehouse, Sarah, West Bromwich, Stafford. Feb 10 at 11 at offices of Shakespeare, Church st, Oldbury

Wiley, George, Birmingham, Boot Dealer. Feb 6 at 12 at offices of Fallows, Cherry st, Birmingham

Wilson, Thomas, Bradford, York, Contractor. Feb 6 at 12 at offices of Berry and Robinson, Charles st, Bradford

Wood, William, East Moulsey, Surrey, Tax Collector. Feb 17 at 2 offices of Lindo, King's Arms yard, Moorgate st

Wright, James, Leytonstone, Essex, Builder. Feb 8 at 12 at offices of Moss, Gracechurch st

Young, Frederick Vernon, Beckenham, Kent, Banker's Clerk. Feb at 3 at offices of Starkey, Angel court, Throgmorton st